

EXHIBIT 6

**Version with
confidentiality
designations
removed of
Dkt. 1112-8**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CHASOM BROWN, MARIA NGUYEN,
WILLIAM BYATT, JEREMY DAVIS,
and CHRISTOPHER CASTILLO,
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**DEFENDANT’S RESPONSES AND OBJECTIONS TO PLAINTIFFS’ SECOND SET OF
REQUESTS FOR PRODUCTION (NOS. 20-149)**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Defendant Google LLC (“Google”) hereby responds and objects to Plaintiffs’ Second Set of Requests For Production of Documents (Nos. 20-149). These objections and responses are made solely for the purpose of and in relation to this action, and any production in response will be subject to the Protective Order governing this case. In addition, the objections and responses set forth in this document are based on Google’s knowledge, investigations, and analysis to date. As discovery proceeds, Google may become aware of additional facts or evidence and its analysis of the case may change. Google reserves all rights to supplement and amend its objections and responses accordingly.

GENERAL OBJECTIONS

1. Google incorporates by reference as if fully set forth herein each of its General Objections to Plaintiffs’ First Set of Requests for Production (Nos. 1-19).

2. Google objects to the Requests to the extent they seek user-level information related to data collected while users were in a private browsing mode. Neither Google Analytics nor Google Ad Manager differentiates between data collected while a user was using private browsing mode or not, and Google does not maintain documents or data in the ordinary course of business to identify whether a user is in private browsing mode. In fact, private browsing mode is designed

1 to ensure that websites—including Google—do not know whether a user is in private browsing
2 mode or not. Nothing in these Responses should be construed as indicating that Google maintains
3 documents or data in the ordinary course of business to identify whether a user is in private
4 browsing mode.

5 3. Google objects to the Requests as not proportional to the needs of the case to the
6 extent they seek user-level information related to data collected while users were logged in to their
7 Google Accounts. Google’s data practices for logged-in users are irrelevant to the claims and
8 defenses in this action.

9 4. Google objects to the undefined use of the terms “user” and “consumers” to the
10 extent that they are inaccurate and subject to multiple interpretations; render the Requests vague,
11 ambiguous, overly broad and unduly burdensome; call for information not within Google’s
12 possession, custody or control; and seek, or may be construed to seek, to impose obligations
13 inconsistent with the Federal Rules of Civil Procedure, the Civil Local Rules, and/or other
14 applicable law. For purposes of these Responses and Objections, Google shall construe the terms
15 “USER” and “CONSUMER” to refer to a unique individual.

16 5. Google objects to the Requests as overly broad and unduly burdensome to the
17 extent the Requests have no geographic limitation. Web browser communications from browsers
18 that are located outside of the United States are not relevant to any claims or defenses in this
19 litigation. Nothing in these Responses should be construed as indicating that Google will search
20 for or produce documents related to web browser communications outside of the United States.

21 6. Google objects to the Requests as overly broad and unduly burdensome to the
22 extent the Requests are not limited as to time. Web browser communications that took place before
23 the beginning of the class period are not relevant to any claims or defenses in this litigation.
24 Nothing in these Responses should be construed as indicating that Google will search for or
25 produce documents related to web browser communications that took place outside of the class
26 period.

27
28

1 **OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**

2 Subject to the foregoing objections, Google objects and responds to Plaintiffs’ requests as
3 follows:

4
5 **REQUEST FOR PRODUCTION NO. 20:**

6 Documents sufficient to identify all persons involved with the creation of and any
7 modification to Google’s representations regarding private browsing mode, including Incognito
8 mode.

9
10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

11 Google incorporates its General Objections as if set forth fully herein. Google further
12 objects to this request as vague and ambiguous as to the meaning of the term “representations,”
13 which is neither self-evident nor defined. For example, Plaintiffs do not specify whether this
14 request seeks public statements or otherwise. For the purposes of responding to this request,
15 Google assumes that “representation” means public-facing statements by Google. Google further
16 objects to this request as overbroad because it seeks information regarding any “private browsing
17 mode” for any browser, even those which no Plaintiff has alleged he or she used to browse
18 privately. Google further objects to this request as overly broad and unduly burdensome because
19 the request is not limited in scope. Private browsing modes have many different aspects that have
20 nothing to do with the central allegations in this case—namely, the purportedly unauthorized
21 collection of certain browsing activity data by Google Analytics and Google Ad Manager while
22 Plaintiffs were visiting certain websites in private browsing mode while signed out of their Google
23 Account from June 1, 2016 to the present. Google further objects to this request as overly broad
24 and unduly burdensome because the request seeks “all persons” that were “involved” with the
25 creation of and modification to Google’s representation, no matter how small or peripheral their
26 involvement. Google further objects to this request because it seeks documents “sufficient to
27 identify” individuals with potentially disparate job responsibilities and over an undefined period
28 of time, which are unlikely to exist in the ordinary course of business, and therefore this request is

1 better suited to an Interrogatory. For these reasons, the request is not proportional to the needs of
2 the case, and the burden of the proposed discovery outweighs any likely benefit.

3 Subject to and without waiving the foregoing objections, Google responds as follows:
4 Google will produce non-privileged, non-work product, responsive documents concerning
5 modifications of the Incognito Notice from June 1, 2016 to the present, from which Plaintiffs may
6 identify persons involved in the modification to Google's representations regarding Google
7 Chrome's Incognito private browsing mode for the same period, to the extent that such documents
8 exist, are within Google's possession, custody, or control, and can be located following a
9 reasonable search.

10
11 **REQUEST FOR PRODUCTION NO. 21:**

12 Google's disclosures and policies relating to the data Google collects directly and indirectly
13 from, about, or on consumers, particularly with regard to data collected in connection with
14 consumers browsing in private browsing mode.

15
16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

17 Google incorporates its General Objections as if set forth fully herein. Google objects to
18 this request to the extent it is duplicative of Request for Production No. 5, and incorporates its
19 objections and response to that request. Google further objects to this request as vague and
20 ambiguous as to the meaning of the terms "disclosures," and "consumers," which are neither self-
21 evident nor defined, including whether the term "consumer" means something different than
22 "user" in other requests. Google further objects to this request as overbroad because it seeks
23 information regarding any "private browsing mode" for any browser, even those which no Plaintiff
24 has alleged he or she used to browse privately. Google further objects to the phrase "data Google
25 collects directly from, about, or on consumers," because Plaintiffs do not clarify what kind of
26 "data" and which Google product this request concerns. For the purposes of responding to this
27 request, Google assumes that Plaintiffs seek public-facing statements and policies related to
28 whether and how Google Analytics and Google Ad Manager collect the browsing activity data

1 purportedly obtained without Plaintiffs' agreement while Plaintiffs were visiting certain websites
2 in private browsing mode. Google clearly discloses to users, including Plaintiffs, its data collection
3 practices, including the category or type of data Google collects, in its past and current Privacy
4 Policies as well as in other public disclosures. Google's disclosures and statements regarding
5 Google's receipt of data can be found in various publicly available sources, such as Google's
6 Privacy Policy and Google Analytics Help Center, and for Chrome Incognito, the Google Chrome
7 Privacy Notice. Archived versions of past Privacy Policies and Chrome Privacy Notices are also
8 public. Therefore, Plaintiffs can obtain certain responsive information from publicly available
9 sources. For these reasons, the request is not proportional to the needs of the case, and the burden
10 of the proposed discovery outweighs any likely benefit.

11 Subject to and without waiving the foregoing objections, Google responds as follows:
12 Google will produce public disclosures made by Google and Google's publicly available policies
13 regarding Google Analytics' and Google Ad Manager's collection of data from June 1, 2016 to
14 the present, to the extent that such documents exist, are within Google's possession, custody, or
15 control, and can be located following a reasonable search.

16
17 **REQUEST FOR PRODUCTION NO. 22:**

18 Documents sufficient to identify all persons involved with the creation of and any
19 modification to the Incognito screen displayed when users initiate Incognito mode.

20
21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

22 Google incorporates its General Objections as if set forth fully herein. Google further
23 objects to this request as vague and ambiguous as to the meaning of the phrase "Incognito screen
24 displayed when users initiate Incognito mode," which is neither self-evident nor defined. For the
25 purposes of responding to this request, Google assumes that "Incognito mode" means Google
26 Chrome's Incognito private browsing mode, and that the "Incognito screen displayed" is the full-
27 page Incognito Notice that alerts users they have entered Chrome's Incognito private browsing
28 mode. Google further objects to this request as overly broad and unduly burdensome to the extent

1 that it seeks documents going back to 2008 when the Incognito Notice was created, eight years
 2 before the June 1, 2016 start of the Class Period. The Incognito Notices of 2008 are irrelevant to
 3 the claims and defenses in this action; therefore, the likelihood of obtaining relevant information
 4 going back to 2008, if any, is outweighed by the burden of providing it. Google further objects to
 5 this request as overly broad and unduly burdensome because the request seeks “all persons” that
 6 were “involved” with the creation of and any modification to the Incognito Notice, no matter how
 7 small or peripheral their involvement. Google further objects to this request because it seeks
 8 documents “sufficient to identify” individuals with potentially disparate job responsibilities and
 9 over an undefined period of time, which are unlikely to exist in the ordinary course of business.
 10 Google further objects to this request as duplicative of Request for Production No. 23 which seeks
 11 “documents concerning all proposed or actual changes to that screen,” and incorporates its
 12 objections and responses to that request. For these reasons, the request is not proportional to the
 13 needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

14 Subject to and without waiving the foregoing objections, Google responds as follows:
 15 Google will produce non-privileged, non-work product, responsive documents concerning
 16 modifications to the Incognito Notice from June 1, 2016 to the present, from which Plaintiffs may
 17 identify persons involved in modifications of the Incognito Notice for the same period, to the extent
 18 that such documents exist, are within Google’s possession, custody, or control, and can be located
 19 following a reasonable search.

20
 21 **REQUEST FOR PRODUCTION NO. 23:**

22 Documents concerning the Incognito screen displayed when users initiate Incognito mode,
 23 including all versions of that screen and documents concerning all proposed or actual changes to
 24 that screen.

25
 26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

27 Google incorporates its General Objections as if set forth fully herein. Google further
 28 objects to this request as vague and ambiguous as to the meaning of the phrase “Incognito screen

1 displayed when users initiate Incognito mode,” which is neither self-evident nor defined. For the
 2 purposes of responding to this request, Google assumes that “Incognito mode” means Google
 3 Chrome’s Incognito private browsing mode, and that the “Incognito screen displayed” is the full-
 4 page Incognito Notice that alerts users they have entered Chrome’s Incognito private browsing
 5 mode. Google further objects to this request as overly broad and unduly burdensome because the
 6 request is not limited in scope, and seeks all documents “concerning” the Incognito Notice. Google
 7 also objects to this request to the extent it is designed to seek information protected from discovery
 8 by the attorney-client privilege, work-product doctrine, the common-interest privilege, or any
 9 other privilege or immunity. Google further objects to this request as overly broad and unduly
 10 burdensome to the extent that it seeks documents going back to 2008 when the Incognito Notice
 11 was created, eight years before the June 1, 2016 start of the Class Period. The Incognito Notices
 12 of 2008 are irrelevant to the claims and defenses in this action; therefore, the likelihood of
 13 obtaining relevant information going back to 2008, if any, is outweighed by the burden of
 14 providing it.

15 Subject to and without waiving the foregoing objections, Google responds as follows:
 16 Google will produce all versions of the Incognito Notice from June 1, 2016 to the present, and
 17 non-privileged, non-work product, responsive documents concerning changes to the Incognito
 18 Notice for the same period, to the extent that such documents exist, are within Google’s possession,
 19 custody, or control, and can be located following a reasonable search.

20
 21 **REQUEST FOR PRODUCTION NO. 24:**

22 Documents sufficient to identify all persons involved with the creation of and any
 23 modification to Google’s Privacy Policy.

24
 25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

26 Google incorporates its General Objections as if set forth fully herein. Google further
 27 objects to this request as overly broad and unduly burdensome because the request seeks “all
 28 persons” that were “involved” with the creation of and any modification to Google’s Privacy

1 Policy, no matter how small or peripheral their involvement. Google further objects to this request
2 because it seeks documents “sufficient to identify” individuals with potentially disparate job
3 responsibilities and over an undefined period of time, which are unlikely to exist in the ordinary
4 course of business, and therefore this request is better suited to an Interrogatory. For these reasons,
5 the request is not proportional to the needs of the case, and the burden of the proposed discovery
6 outweighs any likely benefit.

7 Subject to and without waiving the foregoing objections, Google responds as follows:
8 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
9 to appropriately narrow the scope of this request.

10
11 **REQUEST FOR PRODUCTION NO. 25:**

12 Documents concerning Google’s representation in its Privacy Policy that users are “in
13 control” and can limit how data is shared with Google.

14
15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

16 Google incorporates its General Objections as if set forth fully herein. Google further
17 objects to this request to the extent it misconstrues Google’s Privacy Policy, which speaks for
18 itself. Google also objects to the phrase “how data is shared with Google,” because Plaintiffs do
19 not clarify what kind of “data” this request concerns and the phrase is not a quote from Google’s
20 Privacy Policy. Google further objects to this request to the extent that it is designed to seek
21 information protected from discovery by the attorney-client privilege, work-product doctrine, the
22 common-interest privilege, or any other privilege or immunity. For these reasons, the request is
23 not proportional to the needs of the case, and the burden of the proposed discovery outweighs any
24 likely benefit.

25 Subject to and without waiving the foregoing objections, Google responds as follows:
26 Google will produce non-privileged, non-work product, responsive documents concerning
27 Google’s representation in its Privacy Policy under the “Search & browse privately” header that
28 reads: “You’re in control of what information you share with Google when you search,” to the

1 extent that such documents exist, are within Google's possession, custody, or control, and can be
2 located following a reasonable search.

3
4 **REQUEST FOR PRODUCTION NO. 26:**

5 Documents concerning Google's May 2018 modification to its Privacy Policy to state:
6 "You can use our services in a variety of ways to manage your privacy. . . . You can also choose
7 to browse the web privately using Chrome in Incognito mode."

8
9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

10 Google incorporates its General Objections as if set forth fully herein. Google further
11 objects to this request to the extent that it is designed to seek information protected from discovery
12 by the attorney-client privilege, work-product doctrine, the common-interest privilege, or any
13 other privilege or immunity. Google's past and present Privacy Policies, as well as Chrome Privacy
14 Notices, are publicly available, including clear comparisons among the Privacy Policies that reflect
15 changes made. Therefore, Plaintiffs can obtain the information they seek from publicly available
16 sources. Google further objects to this request because Google's Privacy Policy speaks for itself.
17 For these reasons, the request is not proportional to the needs of the case, and the burden of the
18 proposed discovery outweighs any likely benefit.

19 Subject to and without waiving the foregoing objections, Google responds as follows:
20 Google will produce non-privileged, non-work product, responsive documents, to the extent that
21 such documents exist, are within Google's possession, custody, or control, and can be located
22 following a reasonable search.

23
24 **REQUEST FOR PRODUCTION NO. 27:**

25 Documents concerning any changes to Google's Privacy Policy regarding user control and
26 private browsing mode that were proposed or considered but not adopted by Google.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous because it seeks documents concerning any changes “regarding user control and private browsing mode,” without identifying which changes Plaintiffs are interested in. Google’s past and present Privacy Policies are publicly available, including clear comparisons among the Privacy Policies that reflect changes made. Therefore, Plaintiffs have sufficient information at their disposal to prepare a proper request. Further, Google objects to this request as vague and ambiguous as to the meaning of the phrase “were proposed or considered but not adopted” because it does not clarify whether it is limited to formal consideration given to policy changes or whether it would encompass even informal discussions about changes considered, which would be impossible to capture and would unduly increase the burden associated with responding to this request. Google further objects to this request as it appears to be designed to seek information protected from discovery by the attorney-client privilege, work-product doctrine, the common-interest privilege, or any other privilege or immunity. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and to appropriately narrow the scope of this request.

REQUEST FOR PRODUCTION NO. 28:

Documents sufficient to identify all persons involved with the creation of and any modification to Google’s controls relating to private browsing mode.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrase “Google’s controls relating to private browsing mode,” which is neither self-evident nor defined. Therefore, it is

unclear what kinds of “controls” related to private browsing mode are the subject of Plaintiffs’ request. Nor is it clear what “controls” related to private browsing mode in browsers other than Chrome Google would have the ability to create or modify. Google further objects to this request as overbroad because it seeks information regarding any “private browsing mode” for any browser, even those which no Plaintiff has alleged he or she used to browse privately. Google further objects to this request as overly broad and unduly burdensome because the request seeks “all persons” that were “involved” with the creation of and any modification to certain undefined controls relating to private browsing mode, no matter how small or peripheral their involvement. Google further objects to this request because it seeks documents “sufficient to identify” individuals with potentially disparate job responsibilities and over an undefined period of time, which are unlikely to exist in the ordinary course of business, and therefore this request is better suited to an Interrogatory. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and to appropriately narrow the scope of this request.

REQUEST FOR PRODUCTION NO. 29:

Documents concerning Google’s representation that users can browse privately using private browsing mode in a browser like Chrome or Safari.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrase “representation,” including because Plaintiffs do not specify whether this request seeks public statements or otherwise. For the purposes of responding to this request, Google assumes that “representation” means public-facing statements by Google. Google further objects to this request as overbroad because it seeks information regarding any “private browsing mode” for any browser, even those

1 which no Plaintiff has alleged he or she used to browse privately. Google further objects to this
 2 request as vague and ambiguous in its use of the phrase “in a browser like Chrome or Safari”
 3 because it is unclear what other browsers it purports to include. Further, to the extent it purports to
 4 include browsers owned by third parties, it is incongruent to seek Google’s “representation that
 5 users can browse privately” on those browsers. Google’s public statements regarding Chrome’s
 6 Incognito private browsing mode can be found in various publicly available sources, such as within
 7 Chrome itself upon opening Incognito mode, the Google Chrome Help Center, and the Google
 8 Chrome Privacy Notice. Therefore, Plaintiffs can obtain certain responsive information from
 9 publicly available sources. For these reasons, the request is not proportional to the needs of the
 10 case, and the burden of the proposed discovery outweighs any likely benefit.

11 Subject to and without waiving the foregoing objections, Google responds as follows:
 12 Google will produce public statements made by Google regarding Chrome’s Incognito private
 13 browsing mode from June 1, 2016 to the present, to the extent that such documents exist, are within
 14 Google’s possession, custody, or control, and can be located following a reasonable search.

15
 16 **REQUEST FOR PRODUCTION NO. 30:**

17 Documents concerning any changes to Google’s controls regarding private browsing mode
 18 that were proposed or considered but not adopted by Google.

19
 20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

21 Google incorporates its General Objections as if set forth fully herein. Google further
 22 objects to this request as vague and ambiguous as to the meaning of the phrase “controls regarding
 23 private browsing mode,” which is neither self-evident nor defined. It is unclear what type and
 24 scope of “controls” regarding private browsing mode Plaintiffs are referring to, whether these
 25 controls are technical or policy-related, and whether they are limited in scope to the collection of
 26 data or some other issue. Google further objects to this request as vague and ambiguous as to the
 27 meaning of the terms “proposed” and “considered,” which do not clarify whether this request is
 28 limited to formal proposals or considerations based on policy changes or whether it would

1 encompass even informal discussions about proposals or changes considered, which would be
 2 impossible to capture and would unduly increase the burden associated with responding to this
 3 request. Google further objects to this request as overly broad and unduly burdensome because the
 4 request is not limited in scope and may encompass changes that were proposed or considered but
 5 not adopted that have nothing to do with the central allegation in this case—namely, the
 6 purportedly unauthorized collection of certain browsing activity data by Google Analytics and
 7 Google Ad Manager while Plaintiffs were visiting certain websites in private browsing mode while
 8 signed out of their Google Account from June 1, 2016 to the present. Google further objects to this
 9 request as overbroad because it seeks information regarding any “private browsing mode” for any
 10 browser, even those which no Plaintiff has alleged he or she used to browse privately. Google
 11 further objects to this request to the extent it is designed to seek information protected from
 12 discovery by the attorney-client privilege, work-product doctrine, the common-interest privilege,
 13 or any other privilege or immunity. For these reasons, the request is not proportional to the needs
 14 of the case, and the burden of the proposed discovery outweighs any likely benefit.

15 Subject to and without waiving the foregoing objections, Google responds as follows:
 16 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are
 17 seeking and to appropriately narrow the scope of this request.

18
 19 **REQUEST FOR PRODUCTION NO. 31:**

20 Google’s written representations to and agreements with websites, publishers, and web
 21 applications that use Google services, including but not limited to what data Google collects and
 22 how Google complies with laws and regulations regarding the collection of data.

23
 24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

25 Google incorporates its General Objections as if set forth fully herein. Google further
 26 objects to this request as vague and ambiguous as to the meaning of the phrases “what data Google
 27 collects” and “the collection of data,” which are neither self-evident nor defined. Google also
 28 objects to this request as overly broad and unduly burdensome to the extent it seeks “written

1 representations to and agreements” related to *all* Google services. In this litigation, the only
2 relevant Google services are Google Analytics and Google Ad Manager. Google further objects to
3 this request as vague and ambiguous as to the meaning of the phrase “written representations to
4 and agreements with websites, publishers, and web applications that use Google services,” because
5 Plaintiffs do not clarify whether it could refer to documents other than formal policies or
6 agreements. To the extent it does refer to such documents, this request is overbroad and unduly
7 burdensome because it seeks a multitude of irrelevant documents pertaining to “written
8 representations” to thousands of websites that use Google’s services. For these reasons, the request
9 is not proportional to the needs of the case, and the burden of the proposed discovery outweighs
10 any likely benefit.

11 Google will produce publicly available policies regarding Google Analytics’ and Google
12 Ad Manager’s collection of data from June 1, 2016 to the present, to the extent that such documents
13 exist, are within Google’s possession, custody, or control, and can be located following a
14 reasonable search.

15
16 **REQUEST FOR PRODUCTION NO. 32:**

17 Documents concerning Google’s September 2016 representation—made on various
18 occasions, including at [https://blog.google/products/search/the-latest-updates-and-improvements-](https://blog.google/products/search/the-latest-updates-and-improvements-for/)
19 [for/](https://blog.google/products/search/the-latest-updates-and-improvements-for/)—that: “When you have incognito mode turned on in your settings, your search and browsing
20 history will not be saved.”

21
22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

23 Google incorporates its General Objections as if set forth fully herein. Google further
24 objects to this request because Plaintiffs fail to properly identify what documents, if any, they are
25 seeking that are beyond the public available blog post that Plaintiffs identify in this request. Simply
26 saying that they seek documents “concerning” Google’s representation, especially in light of the
27 objectionably broad definition of “concerning” Plaintiffs have put forth, is insufficient to identify
28 the documents with particularity. Google further objects to this request to the extent it is designed

1 to seek information protected from discovery by the attorney-client privilege, work-product
2 doctrine, the common-interest privilege, or any other privilege or immunity. For these reasons, the
3 request is not proportional to the needs of the case, and the burden of the proposed discovery
4 outweighs any likely benefit.

5 Subject to and without waiving the foregoing objections, Google responds as follows:
6 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
7 to appropriately narrow the scope of this request.

8
9 **REQUEST FOR PRODUCTION NO. 33:**

10 Documents concerning the definition, meaning, understanding, or interpretation of any of
11 these following terms and phrases: private, privacy, control, your data, your search and browsing
12 history, browse privately, and incognito.

13
14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

15 Google incorporates its General Objections as if set forth fully herein. Google further
16 objects to this request as vague and ambiguous as to the meaning of the phrase “definition,
17 meaning, understanding, or interpretation,” which is neither self-evident nor defined. For example,
18 Plaintiffs do not clarify whose “understanding” or “interpretation” this request concerns or why
19 any such understanding or interpretation would go beyond these terms’ plain, widely understood
20 meanings. Google further objects to this request to the extent it seeks information protected from
21 discovery by the attorney-client privilege, work-product doctrine, the common-interest privilege,
22 or any other privilege or immunity. For these reasons, the request is not proportional to the needs
23 of the case, and the burden of the proposed discovery outweighs any likely benefit.

24 Subject to and without waiving the foregoing objections, Google responds as follows:
25 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
26 to appropriately narrow the scope of this request.

1 **REQUEST FOR PRODUCTION NO. 34:**

2 Documents concerning the Google representations identified in Paragraph 146 of the First
3 Amended Complaint, alleging misstatements by Google throughout the Class Period.

4
5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

6 Google incorporates its General Objections as if set forth fully herein. Google further
7 objects to this request as vague and ambiguous as to the meaning of the phrase “the Google
8 representations identified in Paragraph 146 of the First Amended Complaint, alleging
9 misstatements by Google throughout the Class Period.” First, Google denies that it has made any
10 “misstatements” at all. Second, Plaintiffs fail to properly identify what documents, if any, they are
11 seeking that are beyond the alleged “Google representations identified in Paragraph 146 of the
12 First Amended Complaint.” Simply saying that they seek documents “concerning” these
13 representations, especially in light of the objectionably broad definition Plaintiffs have put forth,
14 is insufficient to identify the documents with particularity.

15 Subject to and without waiving the foregoing objections, Google responds as follows:
16 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
17 to appropriately narrow the scope of this request.

18
19 **REQUEST FOR PRODUCTION NO. 35:**

20 Google’s internal documents relating to consumers’ control over and transparency about
21 how consumers’ data is intercepted, collected, stored, used, shared, and disposed.

22
23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

24 Google incorporates its General Objections as if set forth fully herein. Google further
25 objects to this request as vague and ambiguous as to the meaning of the phrase “consumers’ control
26 over and transparency about,” and the term “disposed,” neither of which are neither self-evident
27 nor defined. Google also objects to the use of term “intercepted” to the extent it assumes that
28 Google somehow “intercepts” data unlawfully. Further, the use of the term “consumer” is vague

1 and ambiguous to the extent it denotes something other than the term “user” found in Plaintiffs’
 2 other requests. Google further objects to the phrase “how consumers’ data is intercepted, collected,
 3 stored, used, shared, and disposed” because Plaintiffs do not clarify what kind of “data” and which
 4 “Google” product this request concerns. Because the request is not limited in scope and
 5 encompasses matters and products that have no relation to Plaintiffs’ particular allegations here, it
 6 is overly broad and unduly burdensome. Google objects to this request to the extent it is designed
 7 to seek information protected from discovery by the attorney-client privilege, work-product
 8 doctrine, the common-interest privilege, or any other privilege or immunity. For these reasons, the
 9 request is not proportional to the needs of the case, and the burden of the proposed discovery
 10 outweighs any likely benefit.

11 Subject to and without waiving the foregoing objections, Google responds as follows:
 12 Google will produce non-privileged, non-work product, responsive documents concerning the
 13 control logged-out users have over Google’s collection, storage, and use of their browsing data
 14 and Google’s disclosures to users about the same, to the extent that such documents exist, are
 15 within Google’s possession, custody, or control, and can be located following a reasonable search.

16
 17 **REQUEST FOR PRODUCTION NO. 36:**

18 Documents concerning users’ privacy expectations, including any internal Google studies
 19 or assessment regarding users’ privacy expectations.

20
 21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

22 Google incorporates its General Objections as if set forth fully herein. Google further
 23 objects to this request as vague and ambiguous as to the meaning of the phrase “consumers’ control
 24 over and transparency about,” and the term “disposed,” which are neither self-evident nor defined.
 25 Google also objects to the use of term “intercepted” to the extent it assumes that Google somehow
 26 “intercepts” data unlawfully. Further, the use of the term “consumer” is vague and ambiguous to
 27 the extent it denotes something other than the term “user” found in Plaintiffs’ other requests.
 28 Google further objects to the phrase “how consumers’ data is intercepted, collected, stored, used,

1 shared, and disposed” because Plaintiffs do not clarify what kind of “data” and which “Google”
 2 product this request concerns. Google further objects to this request as overly broad and unduly
 3 burdensome because the request is not limited in scope and encompasses matters and products that
 4 have no relation to Plaintiffs’ particular allegations here. Google further objects to this request to
 5 the extent it is designed to seek information protected from discovery by the attorney-client
 6 privilege, work-product doctrine, the common-interest privilege, or any other privilege or
 7 immunity. For these reasons, the request is not proportional to the needs of the case, and the burden
 8 of the proposed discovery outweighs any likely benefit.

9 Subject to and without waiving the foregoing objections, Google responds as follows:
 10 Google will produce non-privileged, non-work product, responsive studies concerning the control
 11 logged-out users have over Google’s collection, storage, and use of their browsing data and
 12 Google’s disclosures to users about the same, to the extent that such documents exist, are within
 13 Google’s possession, custody, or control, and can be located following a reasonable search.

14
 15 **REQUEST FOR PRODUCTION NO. 37:**

16 Documents concerning users’ understanding of Google’s privacy disclosures and controls,
 17 including any internal Google studies or assessment regarding these issues.

18
 19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

20 Google incorporates its General Objections as if set forth fully herein. Google further
 21 objects to this request as vague and ambiguous as to the meaning of the phrase “internal Google
 22 studies or assessment,” as it could refer to documents other than formal studies or assessments.
 23 Google further objects to this request as overly broad and unduly burdensome because the request
 24 is not limited in scope and encompasses matters and Google products that have no relation to
 25 Plaintiffs’ allegations in this litigation. Google objects to this request to the extent it is designed to
 26 seek information protected from discovery by the attorney-client privilege, work-product doctrine,
 27 the common-interest privilege, or any other privilege or immunity. Google further objects insofar
 28 as this request seeks documents related to Plaintiffs’ understanding of Google’s privacy

1 disclosures and controls, which are in Plaintiffs' possession, custody, or control. For these reasons,
2 the request is not proportional to the needs of the case, and the burden of the proposed discovery
3 outweighs any likely benefit.

4 Subject to and without waiving the foregoing objections, Google responds as follows:
5 Google will produce non-privileged, non-work product, responsive studies related to logged-out
6 users' understanding of Google's privacy disclosures and controls, to the extent that such
7 documents exist, are within Google's possession, custody, or control, and can be located following
8 a reasonable search.

9
10 **REQUEST FOR PRODUCTION NO. 38:**

11 Documents concerning users' understanding in connection with private browsing mode,
12 including any internal Google studies or assessment regarding this issue.

13
14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

15 Google incorporates its General Objections as if set forth fully herein. Google further
16 objects to this request as vague and ambiguous as to the meaning of the phrase "internal Google
17 studies or assessment," which is neither self-evident nor defined. Google objects to this request as
18 overly broad and unduly burdensome to the extent it is meant to include documents other than
19 formal studies or assessments. Google further objects to this request as overbroad because it seeks
20 information regarding any "private browsing mode" for any browser, even those which no Plaintiff
21 has alleged he or she used to browse privately. Google further objects to this request to the extent
22 it is designed to seek information protected from discovery by the attorney-client privilege, work-
23 product doctrine, the common-interest privilege, or any other privilege or immunity. Google
24 further objects insofar as this request seeks documents related to Plaintiffs' understanding of the
25 Incognito private browsing mode, which are in Plaintiffs' possession, custody, or control. For these
26 reasons, the request is not proportional to the needs of the case, and the burden of the proposed
27 discovery outweighs any likely benefit.

1 Subject to and without waiving the foregoing objections, Google responds as follows:
2 Google will produce non-privileged, non-work product, responsive studies related to users'
3 understanding of Chrome's Incognito private browsing mode, to the extent that such documents
4 exist, are within Google's possession, custody, or control, and can be located following a
5 reasonable search.

6
7 **REQUEST FOR PRODUCTION NO. 39:**

8 Documents concerning, as reflected in documents Google produced or provided to the
9 Arizona Attorney General, the "overall mess" that Google had "with regards to data collection,
10 consent, and storage."

11
12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

13 Google incorporates its General Objections as if set forth fully herein. Google objects to
14 this request to the extent it is duplicative of Request for Production No. 2, and incorporates its
15 objections and response to that request. Google further objects to this request as overly broad and
16 unduly burdensome because the request is not limited in scope and encompasses matters that have
17 no relation to Plaintiffs' central allegations in this litigation. The fact that Google produced
18 documents in other actions or contexts, including to the Arizona Attorney General, does not make
19 such documents even remotely relevant to this case. Further, Plaintiffs' request for cloned
20 discovery is highly likely to encompass documents that are both irrelevant and immaterial to the
21 claims and defenses in this case. Google would have to review the cloned discovery and determine
22 whether there are any additional privilege or confidentiality issues in producing them to private
23 plaintiffs (as opposed to government agencies). Thus, the request is not proportional to the needs
24 of the case, and the burden of the proposed discovery outweighs any likely benefit. Google further
25 objects insofar as this request, while purporting to quote from internal Google documents or
26 communications, actually misconstrues those documents, which speak for themselves. For these
27 reasons, Google will not produce documents in response to this request.

REQUEST FOR PRODUCTION NO. 40:

Documents sufficient to identify all disclosures to users concerning Google’s collection of data of users in private browsing mode.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrase “disclosures,” which is neither self-evident or defined. For example, Plaintiffs do not specify whether this request seeks public disclosures or otherwise. For the purposes of responding to this request, Google assumes that “disclosures” means public-facing disclosures by Google. Google further objects to this request as overbroad because it seeks information regarding any “private browsing mode” for any browser, even those which no Plaintiff has alleged he or she used to browse privately. Google further objects to the phrase “Google’s collection of data of users” because Plaintiffs do not clarify what kind of “data” this request concerns. Therefore, Google assumes that this request seeks documents related to the public disclosures related to Plaintiffs’ central allegation in this case—the collection of certain browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were visiting certain websites in private browsing mode while signed out of their Google Account. Google’s disclosures and statements regarding Google’s collection of data can be found in various publicly available sources, such as Google’s Privacy Policy and Google Analytics Help Center, and for Chrome Incognito, the Google Chrome Privacy Notice. Archived versions of past Privacy Policy and Chrome Privacy Notice are also public. Therefore, Plaintiffs can obtain responsive information from publicly available sources. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google will produce public disclosures made by Google regarding Google Analytics’ and Google Ad Manager’s collection of data while users are in a private browsing mode from June 1, 2016 to

1 the present, to the extent that such documents exist, are within Google’s possession, custody, or
2 control, and can be located following a reasonable search.

3
4 **REQUEST FOR PRODUCTION NO. 41:**

5 Documents sufficient to identify all disclosures to or by websites and publishers concerning
6 Google’s collection of data of users in private browsing mode.

7
8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

9 Google incorporates its General Objections as if set forth fully herein. Google objects to
10 this request as vague and ambiguous as to the meaning of the phrase “concerning Google’s
11 collection of data,” which is neither self-evident nor defined. For the purposes of responding to
12 this request, Google assumes that “Google’s collection of data” means the category or type of
13 browsing activity data that Google Analytics and Google Ad Manager purportedly collected while
14 users browse in private browsing mode. Google further objects to this request as overbroad because
15 it seeks information regarding any “private browsing mode” for any browser, even those which no
16 Plaintiff has alleged he or she used to browse privately. Google further objects to this request as
17 vague and ambiguous as to the meaning of the phrase “disclosures to or by websites, publishers”
18 because Plaintiffs do not clarify which “websites and publishers” this request concerns, and
19 “disclosures” could refer to documents other than formal policies or agreements. To the extent that
20 this request seeks the privacy policies of the websites that use Google Analytics and Google Ad
21 Manager, those policies are public and readily available to Plaintiffs. Therefore, Plaintiffs can
22 obtain certain responsive information from publicly available sources. For these reasons, the
23 request is not proportional to the needs of the case, and the burden of the proposed discovery
24 outweighs any likely benefit.

25 Subject to and without waiving the foregoing objections, Google responds as follows:
26 Google will produce public disclosures made by Google regarding Google Analytics’ and Google
27 Ad Manager’s collection of data while users are in a private browsing mode from June 1, 2016 to
28

1 the present, to the extent that such documents exist, are within Google’s possession, custody, or
 2 control, and can be located following a reasonable search.

3
 4 **REQUEST FOR PRODUCTION NO. 42:**

5 Documents concerning any action that Google contends constitutes consent to Google’s
 6 data collection while users are in private browsing mode.

7
 8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

9 Google incorporates its General Objections as if set forth fully herein. Google objects to
 10 this request as vague and ambiguous as to the meaning of the phrase “Google’s data collection,”
 11 which is neither self-evident nor defined. For the purposes of responding to this request, Google
 12 assumes that “Google’s data collection” means the category or type of browsing activity data that
 13 Google Analytics and Google Ad Manager purportedly collected while users browse in private
 14 browsing mode. Google clearly discloses to users, including Plaintiffs, its data collection practices
 15 in its past and current Privacy Policies as well as in other public disclosures. Therefore, Plaintiffs
 16 can obtain certain responsive information from publicly available sources. Google further objects
 17 to this request as overbroad because it seeks information regarding any “private browsing mode”
 18 for any browser, even those which no Plaintiff has alleged he or she used to browse privately.
 19 Google further objects insofar as this request seeks documents related to Plaintiffs’ consent, many
 20 of which are in Plaintiffs’ possession, custody, or control. For these reasons, the request is not
 21 proportional to the needs of the case, and the burden of the proposed discovery outweighs any
 22 likely benefit. Likewise, Google objects to the request as premature to the extent that it seeks
 23 documents supporting Google’s “conten[tions]” before Google has had the opportunity to conduct
 24 full discovery.

25 Subject to and without waiving the foregoing objections, Google responds as follows:
 26 Google will produce non-privileged, non-work product, responsive documents showing that
 27 Plaintiffs accepted, acknowledged, agreed to, or consented to Google Analytics’ and Google Ad
 28 Manager’s purported collection of certain data while Plaintiffs were browsing certain websites in

1 private browsing mode while signed out of their Google Account, to the extent that such documents
2 exist, are within Google's possession, custody, or control, and can be located following a
3 reasonable search.

4
5 **REQUEST FOR PRODUCTION NO. 43:**

6 Documents concerning any lack of consent, by any party, to Google's data collection while
7 users are in private browsing mode.

8
9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

10 Google incorporates its General Objections as if set forth fully herein. Google objects to
11 this request as vague and ambiguous as to the meaning of the phrase "Google's data collection,"
12 which is neither self-evident nor defined. For the purposes of responding to this request, Google
13 assumes that "Google's data collection" means the browsing activity data that Google Analytics
14 and Google Ad Manager purportedly collected while users browse in private browsing mode.
15 Google further objects to this request as overly broad and unduly burdensome to the extent that
16 this request seeks documents related to "any lack of consent [] by any party" other than users who
17 visited websites in private browsing mode while signed out of their Google Account from June 1,
18 2016 to the present, because it is unclear who else it could refer to and also because it has little, if
19 any, bearing on the claims and defenses in this action. Google further objects insofar as this request
20 seeks documents related to Plaintiffs' consent or the alleged lack thereof, many of which are in
21 Plaintiffs' possession, custody, or control. Google further objects to this request as overbroad
22 because it seeks information regarding any "private browsing mode" for any browser, even those
23 which no Plaintiff has alleged he or she used to browse privately. For these reasons, the request is
24 not proportional to the needs of the case, and the burden of the proposed discovery outweighs any
25 likely benefit.

26 Subject to and without waiving the foregoing objections, Google responds as follows:
27 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
28 to appropriately narrow the scope of this request.

1 **REQUEST FOR PRODUCTION NO. 44:**

2 Documents concerning Google's decision to not make data Google collected while users
3 were in private browsing mode viewable to users through their Google account.
4

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

6 Google incorporates its General Objections as if set forth fully herein. Google further
7 objects to this request as vague and ambiguous as to the meaning of the phrase "viewable to users
8 through their Google account," which is neither self-evident nor defined. Google further objects
9 to this request as vague and ambiguous as to the meaning of the term "decision," to the extent it
10 assumes that Google made an affirmative decision to "not make data Google collected while users
11 were in private browsing mode viewable to users through their Google account." Google further
12 objects to this request as overly broad and unduly burdensome because Plaintiffs do not clarify the
13 phrase "data Google collected while users were in private browsing mode." For the purposes of
14 responding to this request, Google assumes this phrase refers to the browsing activity data
15 collected by Google Analytics and Google Ad Manager while Plaintiffs were visiting certain
16 websites in private browsing mode while signed out of their Google Account. Google further
17 objects to this request as overbroad because it seeks information regarding any "private browsing
18 mode" for any browser, even those which no Plaintiff has alleged he or she used to browse
19 privately. For these reasons, the request is not proportional to the needs of the case, and the burden
20 of the proposed discovery outweighs any likely benefit.

21 Subject to and without waiving the foregoing objections, Google responds as follows:
22 Google will produce documents sufficient to show that data collected by Google Analytics and
23 Google Ad Manager while Plaintiffs were visiting certain websites in private browsing mode while
24 signed out of their Google Account is not associated with a user's Google Account, to the extent
25 that such documents exist, are within Google's possession, custody, or control, and can be located
26 following a reasonable search.
27
28

1 **REQUEST FOR PRODUCTION NO. 45:**

2 Google's logs relating to the data it collects directly and indirectly from, about, or on
3 consumers, particularly with regard to data collected on consumers using private browsing mode.
4

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

6 Google incorporates its General Objections as if set forth fully herein. Google further
7 objects to this request as vague and ambiguous as to the meaning of the phrase "Google's logs
8 relating to the data it collects directly and indirectly," which is neither self-evident nor defined. It
9 is unclear what kind of "logs" related to private browsing mode are the subject of Plaintiffs'
10 request. Nor is it clear what the distinction between "directly" and "indirectly" is supposed to refer
11 to. Google further objects to this request as overbroad because it seeks information regarding any
12 "private browsing mode" for any browser, even those which no Plaintiff has alleged he or she used
13 to browse privately. Google further objects to this request as overly broad and unduly burdensome
14 to the extent the request seeks user-level data for all Google consumers with no meaningful
15 limitation. Plaintiffs' request encompasses documents that are both irrelevant and immaterial to
16 the claims and defenses in this case. Thus, the request is not proportional to the needs of the case,
17 and the burden of the proposed discovery outweighs any likely benefit. For these reasons, Google
18 will not produce documents in response to this request.
19

20 **REQUEST FOR PRODUCTION NO. 46:**

21 Documents sufficient to show how Google scripts on websites cause a user's device to send
22 information to Google's servers, including when users are in private browsing mode.
23

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

25 Google incorporates its General Objections as if set forth fully herein. Google further
26 objects to this request as vague and ambiguous as to the meaning of the term "cause a user's device
27 to send information to Google's servers," which is neither self-evident nor defined. Google further
28 objects to the phrase "cause a user's device to send information to Google's servers" as overly

1 broad and unduly burdensome because Plaintiffs do not clarify what kind of “information” this
 2 request concerns. Therefore, Google assumes that this request seeks documents related to the
 3 public disclosures related to Plaintiffs’ central allegation in this case—namely, the purportedly
 4 unauthorized collection of certain browsing activity data by Google Analytics and Google Ad
 5 Manager while Plaintiffs were visiting certain websites in private browsing mode while signed out
 6 of their Google Account from June 1, 2016 to the present. Further, Google discloses scripts for
 7 Google Analytics and Google Ad Manager on websites that cause a user’s device to send
 8 information to Google’s servers in various publicly available sources, such as Google’s developer
 9 pages. Therefore, Plaintiffs can obtain certain responsive information from publicly available
 10 sources. Google further objects to this request as overbroad because it seeks information regarding
 11 any “private browsing mode” for any browser, even those which no Plaintiff has alleged he or she
 12 used to browse privately. For these reasons, the request is not proportional to the needs of the case,
 13 and the burden of the proposed discovery outweighs any likely benefit.

14 Subject to and without waiving the foregoing objections, Google responds as follows:
 15 Google will produce publicly available source code and technical documentation regarding Google
 16 scripts that cause a user’s device to send information to Google’s servers, including when users
 17 are in private browsing mode, to the extent that such documents exist, are within Google’s
 18 possession, custody, or control, and can be located following a reasonable search.

19
 20 **REQUEST FOR PRODUCTION NO. 47:**

21 Google source code for the Google scripts that cause a user’s device to send information
 22 to Google’s servers when users are in private browsing mode.

23
 24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

25 Google incorporates its General Objections as if set forth fully herein. Google further
 26 objects to this request as vague and ambiguous as to the meaning of the term “cause a user’s device
 27 to send information to Google’s servers,” which is neither self-evident nor defined. Google further
 28 objects to the phrase “cause a user’s device to send information to Google’s servers” as overly

1 broad and unduly burdensome because Plaintiffs do not clarify what kind of “information” this
2 request concerns. Therefore, Google assumes that this request seeks documents related to the
3 source code related to Plaintiffs’ central allegation in this case—namely, the purportedly
4 unauthorized collection of certain browsing activity data by Google Analytics and Google Ad
5 Manager while Plaintiffs were visiting certain websites in private browsing mode while signed out
6 of their Google Account from June 1, 2016 to the present. Further, Google discloses Google source
7 code for the Google scripts that cause a user’s device to send information to Google’s servers,
8 including when users are in private browsing mode, in various publicly available sources.
9 Therefore, Plaintiffs can obtain certain responsive information from publicly available sources.
10 The production of non-public, proprietary source code is not necessary to ascertain any particular
11 issue relevant to Plaintiffs’ allegations. Google further objects to this request as overbroad because
12 it seeks information regarding any “private browsing mode” for any browser, even those which no
13 Plaintiff has alleged he or she used to browse privately. For these reasons, the request is not
14 proportional to the needs of the case, and the burden of the proposed discovery outweighs any
15 likely benefit.

16 Subject to and without waiving the foregoing objections, Google responds as follows:
17 Google will produce publicly available source code regarding Google scripts that cause a user’s
18 device to send information to Google’s servers when users are in private browsing mode, to the
19 extent that such documents exist, are within Google’s possession, custody, or control, and can be
20 located following a reasonable search.

21
22 **REQUEST FOR PRODUCTION NO. 48:**

23 Google’s technical documents relating to how its technologies and services work with the
24 consumer data that it collects directly and indirectly, particularly with regard to data collected
25 while consumers are in private browsing mode.
26
27
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

2 Google incorporates its General Objections as if set forth fully herein. Google further
 3 objects to this request as vague and ambiguous as to the meaning of the phrase “data collected
 4 while consumers are in private browsing mode,” which is neither self-evident nor defined,
 5 including because it uses the term “consumer data” as opposed to the term “user data” used in
 6 other requests without clarifying whether it contemplates a difference between “consumer” and
 7 “user.” Google further objects to this request as overly broad and unduly burdensome because it
 8 could potentially encompass all user data collected by Google, including data that has no relevance
 9 to this case. The request is also vague in its use of the phrase “how its technologies and services
 10 work with the consumer data that it collects directly and indirectly,” in that it does not specify
 11 what it means by “work with” the data. Google further objects to this request as overbroad because
 12 it seeks information regarding any “private browsing mode” for any browser, even those which no
 13 Plaintiff has alleged he or she used to browse privately. Thus, the request is not proportional to the
 14 needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

15 Subject to and without waiving the foregoing objections, Google responds as follows:
 16 Google will produce non-privileged, non-work product, responsive documents sufficient to show
 17 the technical aspects of how Google Analytics and Google Ad Manager’s handle the browsing
 18 activity data collected while users are using a private browsing mode from June 1, 2016 to the
 19 present, to the extent that such documents exist, are within Google’s possession, custody, or
 20 control, and can be located following a reasonable search.

21
 22 **REQUEST FOR PRODUCTION NO. 49:**

23 Google’s technical documents relating to how Google tracks individual consumers, their
 24 devices, and their locations.

25
 26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

27 Google incorporates its General Objections as if set forth fully herein. Google further
 28 objects to this request as vague and ambiguous as to the meaning of the phrase “tracks individual

1 consumers,” including because it uses the term “consumer” as opposed to the term “user data”
2 used in other requests without clarifying whether it contemplates a difference between “consumer”
3 and “user,” and because it does not clarify what “tracks” means in the context of this request.
4 Google further objects to this request as overly broad and unduly burdensome to the extent it seeks
5 information regarding “tracking” of consumers that is not relevant to any claims or defenses in this
6 litigation. For these reasons, the request is not proportional to the needs of the case, and the burden
7 of the proposed discovery outweighs any likely benefit.

8 Subject to and without waiving the foregoing objections, Google responds as follows:
9 Google will produce non-privileged, non-work product, responsive documents sufficient to show
10 the technical aspects of how Google Analytics and Google Ad Manager’s collect the browsing
11 activity data collected while users are using a private browsing mode from June 1, 2016 to the
12 present, to the extent that such documents exist, are within Google’s possession, custody, or
13 control, and can be located following a reasonable search.

14
15 **REQUEST FOR PRODUCTION NO. 50:**

16 Documents sufficient to identify all websites and publishers that use Google Analytics.

17
18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

19 Google incorporates its General Objections as if set forth fully herein. Google further
20 objects to the phrase “websites and publishers that use Google Analytics” as overly broad and
21 unduly burdensome because identifying all of Google Analytics’ clients is not relevant to the
22 claims or defenses in this litigation. For these reasons, the request is not proportional to the needs
23 of the case, and the burden of the proposed discovery outweighs any likely benefit.

24 Subject to and without waiving the foregoing objections, Google responds as follows:
25 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
26 to appropriately narrow the scope of this request.

REQUEST FOR PRODUCTION NO. 51:

Google source code embedded into the code of websites that use Google Analytics.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as overly broad and unduly burdensome because Google Analytics has many different aspects and websites that use Google Analytics may also use other Google services that are not relevant to the central allegations in this litigation. Google further objects to this request as overly broad and unduly burdensome to the extent it seeks each and every piece of Google code that thousands of websites that use Google Analytics have embedded. Google discloses Google source code embedded into the code of websites that use Google Analytics in various publicly available sources, such as Google's developer pages. Therefore, Plaintiffs can obtain certain responsive information from publicly available sources. The production of non-public, proprietary source code is not necessary to ascertain any particular issue relevant to Plaintiffs' allegations. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google will produce publicly available source code regarding the current version of Google Analytics to the extent that such source code exists, is within Google's possession, custody, or control, and can be located following a reasonable search.

REQUEST FOR PRODUCTION NO. 52:

Documents sufficient to show all types and the amount of data collected with Google Analytics, including in connection with users' activity while in a private browsing mode.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

Google incorporates its General Objections as if set forth fully herein. Google objects to this request to the extent it is duplicative of Request for Production No. 8, and incorporates its

1 objections and response to that request. Google further objects to the terms “type” and “amount”
2 as vague and ambiguous because it does not clarify what kind of “data” it concerns. This defect
3 also causes the request to be overly broad and unduly burdensome because it is not limited in
4 scope. To the extent the request is limited to user browsing data, Google clearly discloses to users,
5 including Plaintiffs, its data collection practices, including the category or type of data Google
6 collects, in its past and current Privacy Policies as well as in other public disclosures. Therefore,
7 Plaintiffs can obtain certain responsive information from publicly available sources. Google
8 further objects to this request as overbroad because it seeks information regarding any “private
9 browsing mode” for any browser, even those which no Plaintiff has alleged he or she used to
10 browse privately. For these reasons, the request is not proportional to the needs of the case, and
11 the burden of the proposed discovery outweighs any likely benefit.

12 Subject to and without waiving the foregoing objections, Google responds as follows:
13 Google will produce non-privileged, non-work product, responsive documents sufficient to
14 identify the types of data Google Analytics collected while logged-out users were using a private
15 browsing mode from June 1, 2016 to the present, to the extent that such documents exist, are within
16 Google’s possession, custody, or control, and can be located following a reasonable search.

17
18 **REQUEST FOR PRODUCTION NO. 53:**

19 Documents sufficient to show all ways in which Google uses data gathered through Google
20 Analytics, including data collected in connection with users’ activity while in a private browsing
21 mode.

22
23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

24 Google incorporates its General Objections as if set forth fully herein. Google objects to
25 this request to the extent it is duplicative of Request for Production No. 9, and incorporates its
26 objections and response to that request. Google further objects to this request as vague and
27 ambiguous because it does not clarify what kind of “data” it concerns. This defect also causes the
28 request to be overly broad and unduly burdensome because it is not limited in scope. To the extent

1 the request is limited to user browsing data, Google clearly discloses to users, including Plaintiffs,
 2 its data collection and use practices in its past and current Privacy Policies as well as in other public
 3 disclosures. Therefore, Plaintiffs can obtain certain responsive information from publicly available
 4 sources. Google further objects to this request as overbroad because it seeks information regarding
 5 any “private browsing mode” for any browser, even those which no Plaintiff has alleged he or she
 6 used to browse privately. For these reasons, the request is not proportional to the needs of the case,
 7 and the burden of the proposed discovery outweighs any likely benefit.

8 Subject to and without waiving the foregoing objections, Google responds as follows:
 9 Google will produce non-privileged, non-work product, responsive documents sufficient to show
 10 how Google Analytics and Google Ad Manager may use data that Google Analytics collects while
 11 logged-out users were using a private browsing mode from June 1, 2016 to the present, to the
 12 extent that such documents exist, are within Google’s possession, custody, or control, and can be
 13 located following a reasonable search.

14
 15 **REQUEST FOR PRODUCTION NO. 54:**

16 Google source code for Google Analytics and Google’s various ad properties that run on
 17 Google’s servers, to assess how Google collects and uses data from users’ activity while in a
 18 private browsing mode.

19
 20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

21 Google incorporates its General Objections as if set forth fully herein. Google further
 22 objects to this request as vague and ambiguous as to the meaning of the phrase “various ad
 23 properties that run on the Google’s servers” which is neither self-evident nor defined. Google
 24 further objects to the phrase “to assess how Google collects and uses data from users’ activity” as
 25 confusing in that it appears to be an indication of how Plaintiffs seek to use the information, not a
 26 limitation or clarification of the request. Further, Google discloses Google source code for Google
 27 Analytics sufficient to assess how Google collects and uses data from user’s activity in various
 28 publicly available sources, such as Google’s developer pages. Therefore, Plaintiffs can obtain

1 certain responsive information from publicly available sources. The production of non-public,
2 proprietary source code is not necessary to ascertain any particular issue relevant to Plaintiffs'
3 allegations. Google further objects to this request as overbroad because it seeks information
4 regarding any "private browsing mode" for any browser, even those which no Plaintiff has alleged
5 he or she used to browse privately. For these reasons, the request is not proportional to the needs
6 of the case, and the burden of the proposed discovery outweighs any likely benefit.

7 Subject to and without waiving the foregoing objections, Google responds as follows:
8 Google will produce publicly available source code regarding the current versions of Google
9 Analytics and Google Ad Manager to the extent that such source code exists, is within Google's
10 possession, custody, or control, and can be located following a reasonable search.

11
12 **REQUEST FOR PRODUCTION NO. 55:**

13 Google schemas or definition files sufficient to define the data structures used to
14 communicate between client-side scripts and their backends, to assess how Google collects and
15 uses data in connection with users' activity while in a private browsing mode.

16
17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

18 Google incorporates its General Objections as if set forth fully herein. Google further
19 objects to this request to the extent it is duplicative of Request No. 54. Google further objects to
20 this request as vague and ambiguous as to the meaning of the phrase "Google schemas or definition
21 files sufficient to define the data structures used to communicate between client-side scripts and
22 their backends," which is neither self-evident nor defined. Google further objects to the phrase "to
23 assess how Google collects and uses data from users' activity" as confusing in that it appears to be
24 an indication of how Plaintiffs seek to use the information, not a limitation or clarification of the
25 request. Google further objects to this request as overbroad because it seeks information regarding
26 any "private browsing mode" for any browser, even those which no Plaintiff has alleged he or she
27 used to browse privately. For these reasons, the request is not proportional to the needs of the case,
28 and the burden of the proposed discovery outweighs any likely benefit.

1 Subject to and without waiving the foregoing objections, Google responds as follows:
2 Google is willing to meet and confer with Plaintiffs to understand the information sought and to
3 appropriately narrow the scope of this request.
4

5 **REQUEST FOR PRODUCTION NO. 56:**

6 Documents sufficient to identify all persons involved with defining the Google Analytics
7 strategy and product roadmap, including in connection with data collected in connection with
8 users' activity while in a private browsing mode.
9

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

11 Google incorporates its General Objections as if set forth fully herein. Google further
12 objects to this request as vague and ambiguous as to the meaning of the phrase "defining the
13 Google Analytics strategy and product roadmap," which is neither self-evident nor defined.
14 Google further objects to this request as overly broad and unduly burdensome because the request
15 seeks "all persons" that were "involved" with a certain task, no matter how small their involvement
16 or peripheral to the central allegation in this case—namely, the purportedly unauthorized collection
17 of certain browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs
18 were visiting certain websites in private browsing mode while signed out of their Google Account
19 from June 1, 2016 to the present. Google further objects to this request because it seeks documents
20 "sufficient to identify" individuals with potentially disparate job responsibilities and over an
21 undefined period of time, which are unlikely to exist in the ordinary course of business, and
22 therefore this request is better suited to an Interrogatory. Google further objects to this request as
23 overbroad because it seeks information regarding any "private browsing mode" for any browser,
24 even those which no Plaintiff has alleged he or she used to browse privately. For these reasons,
25 the request is not proportional to the needs of the case, and the burden of the proposed discovery
26 outweighs any likely benefit.
27
28

1 Subject to and without waiving the foregoing objections, Google responds as follows:
 2 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
 3 to appropriately narrow the scope of this request.

4
 5 **REQUEST FOR PRODUCTION NO. 57:**

6 Documents sufficient to identify all websites and publishers that use Google Analytics User
 7 ID.

8
 9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

10 Google incorporates its General Objections as if set forth fully herein. Google further
 11 objects to the phrase “all websites and publishers that use Google Analytics User ID” as overly
 12 broad and unduly burdensome because identifying all of Google Analytics’ clients that use the
 13 User ID feature is not relevant to the claims or defenses in this litigation. For these reasons, the
 14 request is not proportional to the needs of the case, and the burden of the proposed discovery
 15 outweighs any likely benefit.

16 Subject to and without waiving the foregoing objections, Google responds as follows:
 17 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
 18 to appropriately narrow the scope of this request.

19
 20 **REQUEST FOR PRODUCTION NO. 58:**

21 Google source code embedded into the code of websites that use Google Analytics User
 22 ID.

23
 24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

25 Google incorporates its General Objections as if set forth fully herein. Google further
 26 objects to this request as overly broad and unduly burdensome because websites that use Google
 27 Analytics User ID may also contain Google source code that is not relevant to Plaintiffs’ claims.
 28 Further, Google discloses Google source code for websites that use Google Analytics User ID in

1 various publicly available sources, such as Google’s developer pages. Therefore, Plaintiffs can
2 obtain certain responsive information from publicly available sources. The production of non-
3 public, proprietary source code is not necessary to ascertain any particular issue relevant to
4 Plaintiffs’ allegations. For these reasons, the request is not proportional to the needs of the case,
5 and the burden of the proposed discovery outweighs any likely benefit.

6 Subject to and without waiving the foregoing objections, Google responds as follows:
7 Google will produce publicly available source code regarding the current version of Google
8 Analytics User IDs, to the extent that such documents exist, are within Google’s possession,
9 custody, or control, and can be located following a reasonable search.

10
11 **REQUEST FOR PRODUCTION NO. 59:**

12 Documents sufficient to show all types and the amount of data collected with Google
13 Analytics User-ID, including in connection with users’ activity while in a private browsing mode.

14
15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

16 Google incorporates its General Objections as if set forth fully herein. Google objects to
17 this request to the extent it is duplicative of Request for Production No. 8, and incorporates its
18 objections and response to that request. Google further objects to this request as overly broad and
19 unduly burdensome because the request is not limited in scope and encompasses matters that have
20 no relation to Plaintiffs’ central allegation—namely, the purportedly unauthorized collection of
21 certain browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were
22 visiting certain websites in private browsing mode while signed out of their Google Account from
23 June 1, 2016 to the present. Google clearly discloses to users, including Plaintiffs, its data
24 collection practices, including the type of data Google collects, in its past and current Privacy
25 Policies as well as in other public disclosures. Therefore, Plaintiffs can obtain certain responsive
26 information from publicly available sources. Google further objects to this request as overbroad
27 because it seeks information regarding any “private browsing mode” for any browser, even those
28 which no Plaintiff has alleged he or she used to browse privately. For these reasons, the request is

1 not proportional to the needs of the case, and the burden of the proposed discovery outweighs any
2 likely benefit.

3 Subject to and without waiving the foregoing objections, Google responds as follows:
4 Google will produce non-privileged, non-work product, responsive documents sufficient to
5 identify the types of data collected with the Google Analytics User-ID while logged-out users were
6 using a private browsing mode from June 1, 2016 to the present, to the extent that such documents
7 exist, are within Google's possession, custody, or control, and can be located following a
8 reasonable search.

9
10 **REQUEST FOR PRODUCTION NO. 60:**

11 Documents sufficient to show all ways in which Google uses data gathered through Google
12 Analytics User-ID, including data collected in connection with users' activity while in a private
13 browsing mode.

14
15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 60:**

16 Google incorporates its General Objections as if set forth fully herein. Google further
17 objects to this request as vague and ambiguous as to the meaning of the phrase "data gathered
18 through Google Analytics User-ID," which is neither self-evident nor defined. Google does not
19 gather any data through Google Analytics User-ID apart from the User-ID values that Google
20 Analytics customers send to Google, and Google Analytics does not distinguish between users
21 who are in a private browsing mode and users who are not in a private browsing mode. Therefore,
22 it is unclear what kinds of data are the subject of Plaintiffs' requests. Further, Google's disclosures
23 and statements regarding the uses of Google Analytics User-ID can be found in various publicly
24 available sources, such as in the Analytics Help Center and Google Analytics Developer
25 Resources. Therefore, Plaintiffs can obtain certain responsive information from publicly available
26 sources. Google further objects to this request as overbroad because it seeks information regarding
27 any "private browsing mode" for any browser, even those which no Plaintiff has alleged he or she
28

1 used to browse privately. For these reasons, the request is not proportional to the needs of the case,
 2 and the burden of the proposed discovery outweighs any likely benefit.

3 Subject to and without waiving the foregoing objections, Google responds as follows:
 4 Google will produce non-privileged, non-work product, responsive documents sufficient to show
 5 the uses of “Google Analytics User-ID,” to the extent that such documents exist, are within
 6 Google’s possession, custody, or control, and can be located following a reasonable search.

7
 8 **REQUEST FOR PRODUCTION NO. 61:**

9 Documents sufficient to show how Google classifies its cookies, either as first-party or
 10 third-party cookies.

11
 12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

13 Google incorporates its General Objections as if set forth fully herein. Google further
 14 objects to the phrase “how Google classifies its cookies, either as first-party or third-party cookies”
 15 as overly broad and unduly burdensome because it may encompass documents that are not relevant
 16 to the central allegations of the Complaint—namely, the purportedly unauthorized collection of
 17 certain browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were
 18 visiting certain websites in private browsing mode while signed out of their Google Account from
 19 June 1, 2016 to the present. Further, documents regarding how Google classifies cookies can be
 20 found in various publicly available sources, such as Google’s developer pages. Therefore,
 21 Plaintiffs can obtain certain responsive information from publicly available sources. For these
 22 reasons, the request is not proportional to the needs of the case, and the burden of the proposed
 23 discovery outweighs any likely benefit.

24 Subject to and without waiving the foregoing objections, Google responds as follows:
 25 Google will produce publicly available documents regarding the classification of Google’s
 26 cookies, to the extent that such documents exist, are within Google’s possession, custody, or
 27 control, and can be located following a reasonable search.

REQUEST FOR PRODUCTION NO. 62:

Google source code embedded into the code of websites that use Google cookies.

RESPONSE TO REQUEST FOR PRODUCTION NO. 62:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as overly broad and unduly burdensome because websites that use Google cookies may also contain Google source code that is not relevant to the central allegations of the Complaint—namely, the purportedly unauthorized collection of certain browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were visiting certain websites in private browsing mode while signed out of their Google Account from June 1, 2016 to the present. Further, Google discloses Google source code for websites that use Google cookies in various publicly available sources, such as Google’s developer pages. Therefore, Plaintiffs can obtain certain responsive information from publicly available sources. The production of the non-public, proprietary source code is not necessary to ascertain any particular issue relevant to Plaintiffs’ allegations. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google will produce publicly available source code regarding the current versions of Google cookies to the extent that such source code exists, is within Google’s possession, custody, or control, and can be located following a reasonable search.

REQUEST FOR PRODUCTION NO. 63:

Documents sufficient to show all types and the amount of data collected with the Google cookies, including in connection with users’ activity while in a private browsing mode.

RESPONSE TO REQUEST FOR PRODUCTION NO. 63:

Google incorporates its General Objections as if set forth fully herein. Google objects to this request to the extent it is duplicative of Request for Production No. 8, and incorporates its

1 objections and response to that request. Google further objects to this request as vague and
2 ambiguous as to the meaning of the phrase “the Google cookies,” which is neither self-evident nor
3 defined. Google further objects to this request as overbroad because it seeks information regarding
4 any “private browsing mode” for any browser, even those which no Plaintiff has alleged he or she
5 used to browse privately. Google further objects to this request as overly broad and unduly
6 burdensome because the request is not limited in scope and encompasses Google products that
7 have no relation to Plaintiffs’ allegations in this litigation. Google clearly discloses to users,
8 including Plaintiffs, its data collection practices, including the type of data Google collects, in its
9 past and current Privacy Policies as well as in other public disclosures. Therefore, Plaintiffs can
10 obtain certain responsive information from publicly available sources. For these reasons, the
11 request is not proportional to the needs of the case, and the burden of the proposed discovery
12 outweighs any likely benefit.

13 Subject to and without waiving the foregoing objections, Google responds as follows:
14 Google will produce publicly available documents sufficient to identify the types of data that are
15 included in Google Analytics and Google Ad Manager cookies from June 1, 2016 to the present,
16 to the extent that such documents exist, are within Google’s possession, custody, or control, and
17 can be located following a reasonable search.

18
19 **REQUEST FOR PRODUCTION NO. 64:**

20 Documents sufficient to show all ways in which Google uses data gathered through Google
21 cookies, including data collected in connection with users’ activity while in a private browsing
22 mode.

23
24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 64:**

25 Google incorporates its General Objections as if set forth fully herein. Google further
26 objects to this request as vague and ambiguous as to the meaning of the phrase “all ways in which
27 Google uses data gathered through Google cookies,” which is neither self-evident nor defined. It
28 is unclear what kinds of “data gathered through Google cookies ... in connection with ... private

browsing mode” are the subject of Plaintiffs’ request. Further, Google’s disclosures and statements regarding the uses of Google cookies can be found in various publicly available sources, such as Google’s Privacy Policy. Therefore, Plaintiffs can obtain certain responsive information from publicly available sources. Google further objects to this request as overbroad because it seeks data related to all Google Cookies without any limitation. Google further objects to this request as overbroad because it seeks information regarding any “private browsing mode” for any browser, even those which no Plaintiff has alleged he or she used to browse privately. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are seeking and to appropriately narrow the scope of this request.

REQUEST FOR PRODUCTION NO. 65:

Documents sufficient to identify all websites and publishers that use Google Ad Manager.

RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

Google incorporates its General Objections as if set forth fully herein. Google further objects to the phrase “websites and publishers that use Google Ad Manager” as overly broad and unduly burdensome because identifying all of Google Ad Manager’s clients is not relevant to the claims or defenses in this litigation. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and to appropriately narrow the scope of this request.

REQUEST FOR PRODUCTION NO. 66:

Google source code embedded into the code of websites that use Google Ad Manager.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 66:**

2 Google incorporates its General Objections as if set forth fully herein. Google further
 3 objects to this request as overly broad and unduly burdensome because websites that use Google
 4 Ad Manager may also contain Google source code that is not relevant to the central allegations of
 5 the Complaint—namely, the purportedly unauthorized collection of certain browsing activity data
 6 by Google Analytics and Google Ad Manager while Plaintiffs were visiting certain websites in
 7 private browsing mode while signed out of their Google Account from June 1, 2016 to the present.
 8 Further, Google discloses Google source code for websites that use Google Ad Manager in various
 9 publicly available sources, such as Google’s developer pages. Therefore, Plaintiffs can obtain
 10 certain responsive information from publicly available sources. The production of non-public,
 11 proprietary source code is not necessary to ascertain any particular issue relevant to Plaintiffs’
 12 allegations. For these reasons, the request is not proportional to the needs of the case, and the
 13 burden of the proposed discovery outweighs any likely benefit.

14 Subject to and without waiving the foregoing objections, Google responds as follows:
 15 Google will produce publicly available source code regarding the current version of Google Ad
 16 Manager, to the extent that such source code exists, is within Google’s possession, custody, or
 17 control, and can be located following a reasonable search.

18

19 **REQUEST FOR PRODUCTION NO. 67:**

20 Documents sufficient to show all types and the amount of data collected with Google Ad
 21 Manager, including in connection with users’ activity while in a private browsing mode.

22

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 67:**

24 Google incorporates its General Objections as if set forth fully herein. Google objects to
 25 this request to the extent it is duplicative of Request for Production No. 8, and incorporates its
 26 objections and response to that request. Google further objects to this request as overly broad and
 27 unduly burdensome because the request is not limited in scope and encompasses matters that have
 28 no relation to Plaintiffs’ central allegation—namely, the purportedly unauthorized collection of

1 certain browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were
2 visiting certain websites in private browsing mode while signed out of their Google Account from
3 June 1, 2016 to the present. Google clearly discloses to users, including Plaintiffs, its data
4 collection practices, including the type of data Google collects, in its past and current Privacy
5 Policies as well as in other public disclosures. Therefore, Plaintiffs can obtain certain responsive
6 information from publicly available sources. Google further objects to this request as overbroad
7 because it seeks information regarding any “private browsing mode” for any browser, even those
8 which no Plaintiff has alleged he or she used to browse privately. For these reasons, the request is
9 not proportional to the needs of the case, and the burden of the proposed discovery outweighs any
10 likely benefit.

11 Subject to and without waiving the foregoing objections, Google responds as follows:
12 Google will produce publicly available documents sufficient to identify the types of data Google
13 Ad Manager collected from June 1, 2016 to the present, to the extent that such documents exist,
14 are within Google’s possession, custody, or control, and can be located following a reasonable
15 search.

16
17 **REQUEST FOR PRODUCTION NO. 68:**

18 Documents sufficient to show all ways in which Google uses data gathered through Google
19 Ad Manager, including data collected in connection with users’ activity while in a private browsing
20 mode.

21
22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 68:**

23 Google incorporates its General Objections as if set forth fully herein. Google further
24 objects to this request as vague and ambiguous as to the meaning of the phrase “all ways in which
25 Google uses data gathered through Google Ad Manager,” which is neither self-evident nor defined.
26 Google Ad Manager does not differentiate between data collected while a user was using private
27 browsing mode or not. As such, Google does not maintain documents or data in the ordinary course
28 of business to identify whether data gathered through Google Ad Manager was collected while a

1 user was in private browsing mode. For the purposes of responding to this request, Google assumes
 2 that “all ways in which Google uses data” refers to user-level data Google receives through and
 3 processes for its Ad Manager services. Further, Google’s disclosures and statements regarding the
 4 use of data gathered through Google Ad Manager can be found in various publicly available
 5 sources, such as in the Ad Manager Help Center and Ad Manager Developer Resources. Therefore,
 6 Plaintiffs can obtain certain responsive information from publicly available sources. Google
 7 further objects to this request as overbroad because it seeks information regarding any “private
 8 browsing mode” for any browser, even those which no Plaintiff has alleged he or she used to
 9 browse privately. For these reasons, the request is not proportional to the needs of the case, and
 10 the burden of the proposed discovery outweighs any likely benefit.

11 Subject to and without waiving the foregoing objections, Google responds as follows:
 12 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are
 13 seeking and to appropriately narrow the scope of this request.

14
 15 **REQUEST FOR PRODUCTION NO. 69:**

16 Google source code associated with X-Client Data Header, GStatic, and Approved Pixels.

17
 18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 69:**

19 Google incorporates its General Objections as if set forth fully herein. Google further
 20 objects to this request as vague and ambiguous as to the meaning of the phrase “associated with,”
 21 which is neither self-evident nor defined. Google assumes Plaintiffs seek Google source code for
 22 X-Client Data Header, GStatic, and Approved Pixels. Google further objects to the request for
 23 documents pertaining to GStatic and Approved Pixels as overly broad and unduly burdensome.
 24 GStatic and Approved Pixels have nothing to do with the central allegations in this case—namely,
 25 the purportedly unauthorized collection of certain browsing activity data by Google Analytics and
 26 Google Ad Manager while Plaintiffs were visiting certain websites in private browsing mode while
 27 signed out of their Google Account from June 1, 2016 to the present. Further, Google discloses
 28 Google source code for X-Client Data Header, GStatic, and Approved Pixels in various publicly

1 available sources, such as its Chromium online source code repository. Therefore, Plaintiffs can
2 obtain certain responsive information from publicly available sources. The production of non-
3 public, proprietary source code is not necessary to ascertain any particular issue relevant to
4 Plaintiffs' allegations. For these reasons, the request is not proportional to the needs of the case,
5 and the burden of the proposed discovery outweighs any likely benefit.

6 Subject to and without waiving the foregoing objections, Google responds as follows:
7 Google will produce publicly available source code regarding the current version of X-Client Data
8 Header, to the extent that such source code exists, is within Google's possession, custody, or
9 control, and can be located following a reasonable search.

10
11 **REQUEST FOR PRODUCTION NO. 70:**

12 Google's technical documents relating to the use of Chrome's X-Client Data Header,
13 GStatic, and Approved Pixels.

14
15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 70:**

16 Google incorporates its General Objections as if set forth fully herein. Google objects to
17 this request as vague and ambiguous as to the meaning of the phrase "technical documents relating
18 to the use of" a particular product, which is neither self-evident nor defined. Google further objects
19 to the request for documents pertaining to GStatic and Approved Pixels as overly broad and unduly
20 burdensome. GStatic and Approved Pixels have nothing to do with the central allegations in this
21 case—namely, the purportedly unauthorized collection of certain browsing activity data by Google
22 Analytics and Google Ad Manager while Plaintiffs were visiting certain websites in private
23 browsing mode while signed out of their Google Account from June 1, 2016 to the present. Further,
24 Google's technical documents relating to the use of Chrome's X-Client Data Header, GStatic, and
25 Approved Pixels are available via various publicly available sources, such as its Chromium online
26 source code repository. Therefore, Plaintiffs can obtain certain responsive information from
27 publicly available sources. For these reasons, the request is not proportional to the needs of the
28 case, and the burden of the proposed discovery outweighs any likely benefit. Google further

1 objects to this request to the extent it is designed to seek information protected from discovery by
2 the attorney-client privilege, work-product doctrine, the common-interest privilege, or any other
3 privilege or immunity.

4 Subject to and without waiving the foregoing objections, Google responds as follows:
5 Google will produce non-privileged, non-work product, responsive documents sufficient to show
6 the technical aspects of the operation of Chrome's X-Client Data Header, to the extent that such
7 documents exist, are within Google's possession, custody, or control, and can be located following
8 a reasonable search.

9
10 **REQUEST FOR PRODUCTION NO. 71:**

11 Documents sufficient to show all types and the amount of data collected with X-Client
12 Data Header, GStatic, and Approved Pixels, including in connection with users' activity while in
13 a private browsing mode.

14
15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 71:**

16 Google incorporates its General Objections as if set forth fully herein. Google objects to
17 this request to the extent it is duplicative of Request for Production No. 8, and incorporates its
18 objections and response to that request. Google further objects to this request as overbroad because
19 it seeks information regarding any "private browsing mode" for any browser, even those which no
20 Plaintiff has alleged he or she used to browse privately. Google further objects to this request as
21 overly broad and unduly burdensome because the request is not limited in scope and encompasses
22 matters that have no bearing on private browsing mode. Because the X-Client Data Header is only
23 sent to Google domains from Chrome and not sent in Incognito mode, it has no relevance to the
24 issues in this case. Google clearly discloses to users, including Plaintiffs, its data collection
25 practices, including the type of data Google collects, in its past and current Privacy Policies as well
26 as in other public disclosures. Therefore, Plaintiffs can obtain certain responsive information from
27 publicly available sources. Thus, the request is not proportional to the needs of the case, and the
28

1 burden of the proposed discovery outweighs any likely benefit. For these reasons, Google will not
2 produce documents in response to this request.

3
4 **REQUEST FOR PRODUCTION NO. 72:**

5 Documents sufficient to show all ways in which Google uses data gathered with X-Client
6 Data Header, GStatic, and Approved Pixels, including data collected in connection with users'
7 activity while in a private browsing mode.

8
9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 72:**

10 Google incorporates its General Objections as if set forth fully herein. Google further
11 objects to this request as overbroad because it seeks information regarding any "private browsing
12 mode" for any browser, even those which no Plaintiff has alleged he or she used to browse
13 privately. Google further objects to this request as vague and ambiguous as to the meaning of the
14 phrase "all ways in which Google uses data gathered with X-Client Data Header, GStatic and
15 Approved Pixels," which is neither self-evident nor defined. Google further objects to the requests
16 for documents pertaining to GStatic and Approved Pixels as overly broad and unduly burdensome.
17 GStatic and Approved Pixels have nothing to do with the central allegations in this case—namely,
18 the purportedly unauthorized collection of certain browsing activity data by Google Analytics and
19 Google Ad Manager while Plaintiffs were visiting certain websites in private browsing mode while
20 signed out of their Google Account from June 1, 2016 to the present. For these reasons, the request
21 is not proportional to the needs of the case, and the burden of the proposed discovery outweighs
22 any likely benefit.

23 Subject to and without waiving the foregoing objections, Google responds as follows:
24 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are
25 seeking and to appropriately narrow the scope of this request.

REQUEST FOR PRODUCTION NO. 73:

Documents sufficient to show all system or geolocation data collected by Google and associated, directly or indirectly, with any user or user device that has used private browsing mode.

RESPONSE TO REQUEST FOR PRODUCTION NO. 73:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrases “system . . . data” “directly or indirectly,” which are neither self-evident nor defined. Google assumes that Plaintiffs are not requesting individual user-level data, but rather seek the types of data purportedly collected. To that effect, Google clearly discloses to users, including Plaintiffs, its data collection and use practices in its past and current Privacy Policies as well as in other public disclosures. Therefore, Plaintiffs can obtain responsive information from publicly available sources. Further, this request seeks such data that is associated “with any user or user device that has used private browsing mode,” which is burdensome and overbroad because it seeks information related to *any* user or device that has *ever* used some unspecified private browsing mode. Therefore the information sought has little relevance to the claims and defenses in this litigation. Google further objects to this request as overbroad because it seeks information regarding any “private browsing mode” for any browser, even those which no Plaintiff has alleged he or she used to browse privately. Further, Google Ad Manager and Google Analytics, the Google products at issue in this litigation, are unaware of whether a user is in private browsing mode while visiting a website using those Google services. Thus, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these reasons, Google will not produce documents in response to this request.

REQUEST FOR PRODUCTION NO. 74:

Google’s assurances, at any time, to not merge first- and third-party data and services.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 74:**

2 Google incorporates its General Objections as if set forth fully herein. Google further
 3 objects to this request as vague and ambiguous as to the meaning of the term “assurances,” which
 4 is neither self-evident nor defined. Google further objects to the phrase “first- and third-party data
 5 and services” because Plaintiffs do not clarify what kind of “data” and which “Google” product or
 6 “services” this request concerns. Google further objects to this request as overly broad and unduly
 7 burdensome because the request is not limited in scope and encompasses Google products that
 8 have no relation to Plaintiffs’ allegations in this litigation. Google clearly discloses to users,
 9 including Plaintiffs, its data collection practices, including the category or type of data Google
 10 collects, in its past and current Privacy Policies as well as in other public disclosures. Google’s
 11 disclosures and statements regarding Google’s use of data can be found in various publicly
 12 available sources, such as Google’s Privacy Policy and Google Analytics Help Center, and for
 13 Chrome Incognito, the Google Chrome Privacy Notice. Archived versions of past Privacy Policies
 14 and Chrome Privacy Notices are also public. Therefore, Plaintiffs can obtain certain responsive
 15 information from publicly available sources. Thus, the request is not proportional to the needs of
 16 the case, and the burden of the proposed discovery outweighs any likely benefit. For these reasons,
 17 Google will not produce documents in response to this request.

18

19 **REQUEST FOR PRODUCTION NO. 75:**

20 Documents concerning Google’s association of data collected while users are in private
 21 browsing mode with unique user profiles through Google Analytics User-ID.

22

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 75:**

24 Google incorporates its General Objections as if set forth fully herein. Google further
 25 objects to this request as overbroad because it seeks information regarding any “private browsing
 26 mode” for any browser, even those which no Plaintiff has alleged he or she used to browse
 27 privately. Google further objects to this request as vague and ambiguous as to the meaning of the
 28 phrases “Google’s association of data,” “unique user profiles,” and “through Google Analytics

1 User-ID,” which are neither self-evident nor defined. Google Analytics does not distinguish
2 between users who are in a private browsing mode and users who are not in a private browsing
3 mode. Therefore, it is unclear what kinds of data are the subject of Plaintiffs’ requests. Google
4 further objects to this request as overly broad and unduly burdensome to the extent the request
5 seeks user-level data for Google consumers with no meaningful limitation. Further, Google’s
6 disclosures and statements regarding Google Analytics User-ID can be found in various publicly
7 available sources, such as in the Analytics Help Center and Google Analytics Developer
8 Resources. Therefore, Plaintiffs can obtain certain responsive information from publicly available
9 sources. For these reasons, the request is not proportional to the needs of the case, and the burden
10 of the proposed discovery outweighs any likely benefit.

11 Subject to and without waiving the foregoing objections, Google responds as follows:
12 Google will produce publicly available documents sufficient to show the functions and uses of
13 Google Analytics User-ID, to the extent that such documents exist, are within Google’s possession,
14 custody, or control, and can be located following a reasonable search.

15
16 **REQUEST FOR PRODUCTION NO. 76:**

17 Documents sufficient to identify all profiles created by Google, including profiles
18 containing any data collected in connection with users’ activity while in a private browsing mode.

19
20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 76:**

21 Google incorporates its General Objections as if set forth fully herein. Google further
22 objects to this request as overbroad because it seeks information regarding any “private browsing
23 mode” for any browser, even those which no Plaintiff has alleged he or she used to browse
24 privately. Google further objects to this request as vague and ambiguous as to the meaning of the
25 phrase “profiles created by Google,” which is neither self-evident nor defined. Google further
26 objects to this request as overly broad and unduly burdensome to the extent the request seeks user-
27 level data for all Google consumers with no meaningful limitation. Google does not maintain
28 documents or data in the ordinary course of business to identify whether a user is in private

1 browsing mode. Google further objects to this request because it seeks highly sensitive and
2 personal information not relevant to establishing any party's claim or defense. *See In re Williams-*
3 *Sonoma, Inc.*, 947 F.3d 535, 539-40 (9th Cir. 2020) (holding that pursuant to the Supreme Court's
4 decision in *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 350-53, 98 S. Ct. 2380, 2389-90
5 (1978), "seeking discovery of the name of a class member... is not relevant within the meaning of
6 [Rule 26(b)(1)], and it is even less relevant where no class has been certified"). For these reasons,
7 the request is not proportional to the needs of the case, and the burden of the proposed discovery
8 outweighs any likely benefit.

9 Subject to and without waiving the foregoing objections, Google responds as follows:
10 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are
11 seeking and to appropriately narrow the scope of this request.

12
13 **REQUEST FOR PRODUCTION NO. 77:**

14 Documents sufficient to identify all ways in which Google uses profiles, including profiles
15 containing any data collected in connection with users' activity while in a private browsing mode.

16
17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 77:**

18 Google incorporates its General Objections as if set forth fully herein. Google further
19 objects to this request as overbroad because it seeks information regarding any "private browsing
20 mode" for any browser, even those which no Plaintiff has alleged he or she used to browse
21 privately. Google further objects to this request as vague and ambiguous as to the meaning of the
22 phrase "all ways in which Google uses profiles," which is neither self-evident nor defined. Google
23 does not maintain documents or data in the ordinary course of business to identify whether a user
24 is in private browsing mode. As such, Google does not maintain documents or data in the ordinary
25 course of business that identify profiles containing data collected while in private browsing mode.
26 For these reasons, the request is not proportional to the needs of the case, and the burden of the
27 proposed discovery outweighs any likely benefit.

1 Subject to and without waiving the foregoing objections, Google responds as follows:
 2 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are
 3 seeking and to appropriately narrow the scope of this request.

4
 5 **REQUEST FOR PRODUCTION NO. 78:**

6 Documents sufficient to identify all regulators who have inquired about Google's privacy
 7 disclosures and data collection practices since January 1, 2009.

8
 9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 78:**

10 Google incorporates its General Objections as if set forth fully herein. Google further
 11 objects to this request as vague and ambiguous as to the meaning of the term "regulators," which
 12 is neither self-evident nor defined. For the purposes of responding to this request, Google adopts
 13 the portion of the defined term "Regulators" as set forth in Definition No. 9 of Plaintiffs' First Set
 14 of Requests for Production of Documents (Nos. 1-19), which defined "Regulators" as "all
 15 government agencies and regulators that have requested documents or information from Google
 16 and/or initiated any investigation or action concerning Google's data collection practices and
 17 disclosures," including the Department of Justice, the Federal Trade Commission, the Arizona
 18 Attorney General, the Texas Attorney General, the California Attorney General, the Australian
 19 Competition & Consumer Commission, and the Commission Nationale de l'Informatique et des
 20 Libertés. However, even this clarification does not lessen the burden in responding to this request
 21 as the term is overbroad, including because it seeks information related to non-U.S. regulators.
 22 Google also objects to the phrase "privacy disclosures and data collection practices" as vague and
 23 ambiguous, as it could refer to documents other than formal policies related to privacy. For the
 24 purposes of responding to this request, Google will assume that by "privacy disclosures and data
 25 collection practices" Plaintiffs mean to refer to Google's Privacy Policy and the Google Chrome
 26 Privacy Notice. Google further objects to that phrase because it is not reasonably limited in scope
 27 and encompasses matters that have no relation to Plaintiffs' allegations in this litigation. Thus, the
 28 request is not proportional to the needs of the case, and the burden of the proposed discovery

1 outweighs any likely benefit. For these reasons, Google will not produce documents in response
2 to this request.

3
4 **REQUEST FOR PRODUCTION NO. 79:**

5 Documents sufficient to identify the Google persons involved with the negotiation of and
6 knowledgeable about Google's 2011 settlement with the FTC, which included allegations of
7 Google's illegal collection of personal information without consent, and the 2011 FTC Consent
8 Decree.

9
10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 79:**

11 Google incorporates its General Objections as if set forth fully herein. Google further
12 objects to this request as vague and ambiguous as to the meaning of the phrases "persons involved
13 with," "personal information," and "illegally collected personal information without consent,"
14 which are neither self-evident nor defined. First, Google denies that any unauthorized collection
15 of private data occurred at all. Second, Google further objects to this request as it is unclear whether
16 Plaintiffs seek identification of any individual with any level of "knowledge," no matter how small
17 or peripheral. This exercise would be burdensome and not proportional to the needs of the case.
18 Google further objects to this request as overly broad and unduly burdensome because the
19 Google's 2011 settlement with the FTC and the 2011 FTC Consent Decree have little, if any,
20 relation to Plaintiffs' central allegations in this litigation. Google further objects to this request
21 because the "identi[t]y" of such persons is not relevant to any party's claim or defense in this case.
22 Google further objects to this request because it seeks documents "sufficient to identify"
23 individuals with potentially disparate job responsibilities over an indefinite period of time, which
24 are unlikely to exist in the ordinary course of business. Thus, the request is not proportional to the
25 needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these
26 reasons, Google will not produce documents in response to this request.

1 **REQUEST FOR PRODUCTION NO. 80:**

2 Google's compliance and audit documents relating to its efforts or failures to comply with
3 the Google-2011 FTC Consent Decree.
4

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 80:**

6 Google incorporates its General Objections as if set forth fully herein. Google further
7 objects to this request as vague and ambiguous as to the meaning of the phrase "compliance and
8 audit documents," which is neither self-evident nor defined. Google further objects to this request
9 as overly broad and unduly burdensome because the request is not limited in scope and
10 encompasses matters, and inquiries, that have no relation to Plaintiffs' central allegation—namely,
11 the purportedly unauthorized collection of certain browsing activity data by Google Analytics and
12 Google Ad Manager while Plaintiffs were visiting certain websites in private browsing mode while
13 signed out of their Google Account from June 1, 2016 to the present. Google further objects to this
14 request because Google's "compl[iance] with the Google-2011 FTC Consent Decree" is not
15 relevant to any party's claim or defense in this case. Google objects to this request to the extent it
16 is designed to seek information protected from discovery by the attorney-client privilege, work-
17 product doctrine, the common-interest privilege, or any other privilege or immunity. Thus, the
18 request is not proportional to the needs of the case, and the burden of the proposed discovery
19 outweighs any likely benefit. For these reasons, Google will not produce documents in response
20 to this request.
21

22 **REQUEST FOR PRODUCTION NO. 81:**

23 Documents sufficient to identify the persons involved with the negotiation of and
24 knowledgeable about Google's 2012 settlement with the FTC, involving allegations that Google
25 illegally collected personal information without consent.
26
27
28

RESPONSE TO REQUEST FOR PRODUCTION NO. 81:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrases “persons involved with,” “personal information,” and “illegally collected personal information without consent,” which are neither self-evident nor defined. First, Google denies that any unauthorized collection of private data occurred at all, much less an “illegal[] collect[ion]” of data. Second, Google objects to this request as it is unclear whether Plaintiffs seek identification of any individual with any level of involvement, however small or peripheral. This exercise would be burdensome and not proportional to the needs of the case. Google further objects to this request as overly broad and unduly burdensome because the request is not limited in scope and encompasses matters that have no relation to Plaintiffs’ central allegation—namely, the purportedly unauthorized collection of certain browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were visiting certain websites in private browsing mode while signed out of their Google Account from June 1, 2016 to the present. Google further objects to this request because the “identi[t]y” of such persons is not relevant to any party’s claim or defense in this case. Google further objects to this request because it seeks documents “sufficient to identify” individuals with potentially disparate job responsibilities over an indefinite period of time, which are unlikely to exist in the ordinary course of business. Thus, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these reasons, Google will not produce documents in response to this request.

REQUEST FOR PRODUCTION NO. 82:

Documents sufficient to identify the persons involved with the negotiation of and knowledgeable about Google’s 2019 settlement with the FTC, involving allegations that Google illegally collected personal information without consent.

RESPONSE TO REQUEST FOR PRODUCTION NO. 82:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrases “persons involved with” “personal information,” and “illegally collected personal information without consent,” which are neither self-evident nor defined. First, Google denies that any unauthorized collection of private data occurred at all, much less an “illegal[] collect[ion]” of data. Second, Google objects to this request as it is unclear whether Plaintiffs seek identification of any individual with any level of involvement, however small or peripheral. This exercise would be burdensome and not proportional to the needs of the case. Google further objects to this request as overly broad and unduly burdensome because the 2019 FTC settlement relating to YouTube has little, if any, relation to Plaintiffs’ central allegation—namely, the purportedly unauthorized collection of certain browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were visiting certain websites in private browsing mode while signed out of their Google Account from June 1, 2016 to the present. Google further objects to this request because the “identi[t]y” of such persons is not relevant to any party’s claim or defense in this case. Google further objects to this request because it seeks documents “sufficient to identify” individuals with potentially disparate job responsibilities over an indefinite period of time, which are unlikely to exist in the ordinary course of business, and therefore this request is better suited to an Interrogatory. Thus, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these reasons, Google will not produce documents in response to this request.

REQUEST FOR PRODUCTION NO. 83:

Documents sufficient to identify the persons involved with and knowledgeable about the actions against Google by the Arizona Attorney General, Australian Competition & Consumer Commissions, and Commission Nationale de l’Informatique et des Libertés.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 83:**

2 Google incorporates its General Objections as if set forth fully herein. Google further
 3 objects to this request as vague and ambiguous as to the meaning of the phrase “persons involved
 4 with,” which is neither self-evident nor defined. Google further objects to this request as it is
 5 unclear whether Plaintiffs seek identification of any individual with any level of involvement,
 6 however small or peripheral. This exercise would be burdensome and not proportional to the needs
 7 of the case. Google further objects to this request as overly broad and unduly burdensome because
 8 the request is not limited in scope and encompasses matters that have no relation to Plaintiffs’
 9 central allegation—namely, the purportedly unauthorized collection of certain browsing activity
 10 data by Google Analytics and Google Ad Manager while Plaintiffs were visiting certain websites
 11 in private browsing mode while signed out of their Google Account from June 1, 2016 to the
 12 present. Google further objects to this request because the “identi[t]y” of such persons is not
 13 relevant to any party’s claim or defense in this case. Google further objects to this request because
 14 it seeks documents “sufficient to identify” individuals with potentially disparate job
 15 responsibilities over an indefinite period of time, which are unlikely to exist in the ordinary course
 16 of business, and therefore this request is better suited to an Interrogatory. Thus, the request is not
 17 proportional to the needs of the case, and the burden of the proposed discovery outweighs any
 18 likely benefit. For these reasons, Google will not produce documents in response to this request.

19
 20 **REQUEST FOR PRODUCTION NO. 84:**

21 Documents relating to how Google attempted to comply or complied with the California
 22 Consumer Privacy Act (CCPA), Europe’s General Data Privacy Regulation (GDPR), and similar
 23 legislation.

24
 25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 84:**

26 Google incorporates its General Objections as if set forth fully herein. Google further
 27 objects to this request as vague and ambiguous as to the meaning of the phrase “similar
 28 legislation,” which is neither self-evident nor defined. Google further objects to this request as

1 overly broad and unduly burdensome because the request is not limited in scope and encompasses
 2 matters, including statutes and legislation, that are broad and have no stated bearing on Plaintiffs’
 3 allegations in this litigation. Google further objects to this request to the extent it seeks documents
 4 related to non-U.S. matters. Google objects to this request to the extent it seeks information
 5 protected from discovery by the attorney-client privilege, work-product doctrine, the common-
 6 interest privilege, or any other privilege or immunity. Thus, the request is not proportional to the
 7 needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these
 8 reasons, Google will not produce documents in response to this request.

9
 10 **REQUEST FOR PRODUCTION NO. 85:**

11 Documents relating to how Google lobbied for or against bills and proposed laws in the
 12 United States similar to or based on the California Consumer Privacy Act (CCPA).
 13

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 85:**

15 Google incorporates its General Objections as if set forth fully herein. Google objects to
 16 this request as vague and ambiguous as to the meaning of the phrase “similar to or based on,”
 17 which is neither self-evident nor defined. Plaintiffs in this matter have not brought any claims
 18 under the CCPA, and therefore, Google objects to this request because it is aimed at seeking
 19 documents that have nothing to do with or are at best peripheral to Plaintiffs’ allegations in this
 20 case. Plaintiffs in this matter complain about the purportedly unauthorized collection of certain
 21 browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were visiting
 22 certain websites in private browsing mode while signed out of their Google Account. Documents
 23 related to any of Google’s CCPA-related lobbying activities are far afield from Plaintiffs’ central
 24 allegations. In addition, this request is objectionable because it seeks discovery into (irrelevant)
 25 speech and activities protected by the First Amendment and/or the Noerr-Pennington doctrine.
 26 Google further objects to this request because it appears to be designed to seek information
 27 protected from discovery by the attorney-client privilege, work-product doctrine, the common-
 28 interest privilege, or any other privilege or immunity. Google also object to this request as overly

1 broad and unduly burdensome in seeking all documents related to Google's CCPA-related
2 lobbying activities over an undefined period of time. Thus, the request is not proportional to the
3 needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these
4 reasons, Google will not produce documents in response to this request.

5
6 **REQUEST FOR PRODUCTION NO. 86:**

7 Documents back to January 1, 2005 concerning Google's response to Apple's launch of
8 private browsing in 2005, including any response involving the competitive threat posed to
9 Google's power in any market.

10
11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 86:**

12 Google incorporates its General Objections as if set forth fully herein. Google objects to
13 this request as vague and ambiguous as to the meaning of the phrases "Google's response to
14 Apple's launch of private browsing in 2005" and "Google's power in any market," which are
15 neither self-evident nor defined. Plaintiffs in this matter have not brought any antitrust or
16 competition claims, and the relevant "market" is neither defined in Plaintiffs' allegations nor
17 relevant to the claims at issue here. Google objects to this request because it is aimed at seeking
18 documents that have nothing to do with or are at best peripheral to Plaintiffs' allegations in this
19 case. Plaintiffs in this matter complain about the purportedly unauthorized collection of certain
20 browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were visiting
21 certain websites in private browsing mode while signed out of their Google Account. Documents
22 related to any purported "response" to a "competitive threat" by a competing product are far afield
23 from Plaintiffs' central allegations. Google further objects to this request to the extent it seeks
24 information protected from discovery by the attorney-client privilege, work-product doctrine, the
25 common-interest privilege, or any other privilege or immunity. Google also objects to this request
26 as overly broad and unduly burdensome in seeking documents going back to 2005, eleven years
27 before the June 1, 2016 start of the Class Period. Thus, the request is not proportional to the needs
28

1 of the case, and the burden of the proposed discovery outweighs any likely benefit. For these
2 reasons, Google will not produce documents in response to this request.

3
4 **REQUEST FOR PRODUCTION NO. 87:**

5 Documents back to January 1, 2005 concerning the actual, potential, or anticipated impact
6 of private browsing mode on Google's power in any market, including Search, browsers, and
7 advertising markets.

8
9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 87:**

10 Google incorporates its General Objections as if set forth fully herein. Google further
11 objects to this request as overbroad because it seeks information regarding any "private browsing
12 mode" for any browser, even those which no Plaintiff has alleged he or she used to browse
13 privately. Google objects to this request as vague and ambiguous as to the meaning of the phrases
14 "Google's power in any market" and "Search, browsers, and advertising markets," which are
15 neither self-evident nor defined. Plaintiffs in this matter have not brought any antitrust or
16 competition claims, and "market" is neither defined in Plaintiffs' allegations nor relevant to the
17 claims at issue here. Google objects to this request because it is aimed at seeking documents that
18 have nothing to do with or are at best peripheral to Plaintiffs' allegations in this case. Plaintiffs in
19 this matter complain about the purportedly unauthorized collection of certain browsing activity
20 data by Google Analytics and Google Ad Manager while Plaintiffs were visiting certain websites
21 in private browsing mode while signed out of their Google Account. Documents related to any
22 purported competitive impact on Google's purported power in markets that have been improperly
23 defined are far afield from Plaintiffs' central allegations. Google further objects to this request to
24 the extent it seeks information protected from discovery by the attorney-client privilege, work-
25 product doctrine, the common-interest privilege, or any other privilege or immunity. Google also
26 objects to this request as overly broad and unduly burdensome in seeking documents going back
27 to 2005, eleven years before the June 1, 2016 start of the Class Period. Thus, the request is not
28

1 proportional to the needs of the case, and the burden of the proposed discovery outweighs any
2 likely benefit. For these reasons, Google will not produce documents in response to this request.

3
4 **REQUEST FOR PRODUCTION NO. 88:**

5 Documents sufficient to identify all persons involved with the development of Incognito
6 mode, launched in September 2008.

7
8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 88:**

9 Google incorporates its General Objections as if set forth fully herein. Google further
10 objects to this request as vague and ambiguous as to the meaning of the phrase “Incognito mode,”
11 which is not defined. For the purposes of responding to this request, Google assumes that
12 “Incognito mode” means Google Chrome’s Incognito private browsing mode. Google also objects
13 to this request as vague and ambiguous as to the meaning of the term “development,” as it is not
14 clear whether Plaintiffs seek the identity of those involved with the development of the initial
15 launch of Google Chrome’s Incognito private browsing mode in 2008 or also individuals involved
16 with the continued development of Google Chrome’s Incognito private browsing mode into the
17 present day. Google further objects to this request as overly broad and unduly burdensome because
18 the request seeks “all persons” that were “involved” with the “development” of Google Chrome’s
19 Incognito private browsing mode, no matter how small their involvement or peripheral to the
20 central allegation in this case. Google further objects to this request because it seeks documents
21 “sufficient to identify” individuals with potentially disparate job responsibilities and over an
22 undefined period of time, which are unlikely to exist in the ordinary course of business, and
23 therefore this request is better suited to an Interrogatory. For these reasons, the request is not
24 proportional to the needs of the case, and the burden of the proposed discovery outweighs any
25 likely benefit.

26 Subject to and without waiving the foregoing objections, Google responds as follows:
27 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
28 to appropriately narrow the scope of this request.

REQUEST FOR PRODUCTION NO. 89:

Documents sufficient to identify all persons involved with any changes to Incognito mode since it was launched in September 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 89:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrase “Incognito mode,” which is not defined. For the purposes of responding to this request, Google assumes that “Incognito mode” means Google Chrome’s Incognito private browsing mode. Google further objects to this request as overly broad and unduly burdensome to the extent that it seeks documents going back to 2008 when the Incognito Notice was created, eight years before the June 1, 2016 start of the Class Period. The Incognito Notices of 2008 are irrelevant to the claims and defenses in this action; therefore, the likelihood of obtaining relevant information going back to 2008, if any, is outweighed by the burden of providing it. Google further objects to this request as overly broad and unduly burdensome because the request seeks “all persons” that were “involved” with “any changes” of Google Chrome’s Incognito private browsing mode, no matter how small the individual’s involvement was or how peripheral the “change” is to the allegations in this case. Google further objects to this request because it seeks documents “sufficient to identify” individuals with potentially disparate job responsibilities and over a 13-year-period, which are unlikely to exist in the ordinary course of business, and therefore this request is better suited to an Interrogatory. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google will produce non-privileged, non-work product, responsive documents concerning modification to the Incognito Notice from June 1, 2016 to the present, from which Plaintiffs may identify persons involved with changes to Google Chrome’s Incognito private browsing mode for the same period, to the extent that such documents exist, are within Google’s possession, custody, or control, and can be located following a reasonable search.

1 **REQUEST FOR PRODUCTION NO. 90:**

2 Source code for Incognito mode, including documents sufficient to identify changes to that
3 source code since Google's launch of Incognito mode in September 2008.
4

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 90:**

6 Google incorporates its General Objections as if set forth fully herein. Google further
7 objects to this request as vague and ambiguous as to the meaning of the phrase "identify changes
8 to [Incognito mode] source code," which is neither self-evident nor defined. For example,
9 Plaintiffs do not specify whether this request seeks every keystroke change in the source code,
10 which would be unduly burdensome to capture. For the purposes of responding to this request,
11 Google assumes that "Incognito mode" means Google Chrome's Incognito private browsing
12 mode. Google further objects to this request as overly broad and unduly burdensome because the
13 request is not limited in scope, and seeks all source code for Incognito mode, including for aspects
14 that have nothing to do with the central allegations in this case—namely, the purportedly
15 unauthorized collection of certain browsing activity data by Google Analytics and Google Ad
16 Manager while Plaintiffs were visiting certain websites in private browsing mode while signed out
17 of their Google Account from June 1, 2016 to the present. Further, Google's source code for
18 Incognito mode can be found in various publicly available sources, such as Google's Chromium
19 online source code repository. Therefore, Plaintiffs can obtain certain responsive information from
20 publicly available sources. Google further objects to this request as overly broad and unduly
21 burdensome in seeking changes to the Incognito mode source code "since Google's launch of
22 Incognito mode in September 2008" because changes that were implemented years before the start
23 of the purported Class Period and potentially changed over time have no relevance to Plaintiffs'
24 claims that Google made certain promises during the relevant time period and breached those
25 promises. The production of the non-public, proprietary source code is not necessary to ascertain
26 any particular issue relevant to Plaintiffs' allegations. For these reasons, the request is not
27 proportional to the needs of the case, and the burden of the proposed discovery outweighs any
28 likely benefit.

1 Subject to and without waiving the foregoing objections, Google responds as follows:
2 Google will produce publicly available source code regarding the current version of Google
3 Chrome's Incognito browsing mode, to the extent that such source code exists, is within Google's
4 possession, custody, or control, and can be located following a reasonable search.

5
6 **REQUEST FOR PRODUCTION NO. 91:**

7 Documents back to January 1, 2005 concerning any efforts by other browsers to limit
8 tracking or data collection in any way, including the actual, potential, or anticipated impact on
9 Google.

10
11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 91:**

12 Google incorporates its General Objections as if set forth fully herein. Google objects to
13 this request as vague and ambiguous as to the meaning of the phrases "any efforts by other
14 browsers to limit tracking or data collection" and "actual, potential, or anticipated impact on
15 Google," which are neither self-evidence nor defined. Google further objects to this request as
16 overly broad and unduly burdensome because the request is not limited in scope, and seeks
17 documents related to browsers owned by third parties and that Google does not control. Google
18 objects to this request to the extent it seeks information protected from discovery by the attorney-
19 client privilege, work-product doctrine, the common-interest privilege, or any other privilege or
20 immunity. Google further objects to this request as overly broad and unduly burdensome in seeking
21 documents concerning events that occurred as early as 2005, eleven years before the June 1, 2016
22 start of the Class Period. Google further objects to this request as overly broad and unduly
23 burdensome to the extent that it seeks information regarding web browsers that no plaintiff has
24 alleged he or she has used. Thus, the request is not proportional to the needs of the case, and the
25 burden of the proposed discovery outweighs any likely benefit. For these reasons, Google will not
26 produce documents in response to this request.

1 **REQUEST FOR PRODUCTION NO. 92:**

2 Documents back to January 1, 2005 concerning any effort by Apple to limit Google's
3 ability to track users and collect data, including the actual, potential, or anticipated impact on
4 Google.

5
6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 92:**

7 Google incorporates its General Objections as if set forth fully herein. Google objects to
8 this request as vague and ambiguous as to the meaning of the phrases "any effort by Apple to limit
9 Google's ability to track users and collect data" and "actual, potential, or anticipated impact on
10 Google," which are neither self-evident nor defined. For example, Plaintiffs do not clarify what
11 kind of "effort" (engineering, technical or something else) and what "impact" (engineering,
12 technical, financial or otherwise) this request concerns. Google further objects to this request as
13 overly broad and unduly burdensome because the request is not limited in scope, and seeks
14 documents related to a third party and that Google does not control. Documents about Apple's
15 practices are not relevant to the claims and defenses in this action, and neither is any "impact" of
16 such practices on Google. Google objects to this request to the extent it seeks information protected
17 from discovery by the attorney-client privilege, work-product doctrine, the common-interest
18 privilege, or any other privilege or immunity. Google further objects to this request as overly broad
19 and unduly burdensome in seeking documents concerning events that occurred as early as 2005,
20 eleven years before the June 1, 2016 start of the Class Period. Thus, the request is not proportional
21 to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.
22 For these reasons, Google will not produce documents in response to this request.

23
24 **REQUEST FOR PRODUCTION NO. 93:**

25 Documents concerning Google's 2020 release of "Consent Mode (Beta)."
26
27
28

RESPONSE TO REQUEST FOR PRODUCTION NO. 93:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as overly broad and unduly burdensome because the request is not limited in scope and seeks documents “concerning” any aspect of Google’s “release of ‘Consent Mode (Beta).’” Google objects to this request to the extent it seeks information protected from discovery by the attorney-client privilege, work-product doctrine, the common-interest privilege, or any other privilege or immunity. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and to appropriately narrow the scope of this request.

REQUEST FOR PRODUCTION NO. 94:

Documents concerning Google’s 2020 addition of “Block third-party cookies” to the Incognito screen.

RESPONSE TO REQUEST FOR PRODUCTION NO. 94:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrase “Incognito screen,” which is neither self-evident nor defined. For the purposes of responding to this request, Google assumes that “Incognito screen” means the full-page Incognito Notice that alerts users that they have entered Chrome’s Incognito private browsing mode. Google further objects to this request as overly broad and unduly burdensome because the request is not limited in scope and seeks documents “concerning” Google’s decision to “[b]lock third-party cookies,” which involves aspects of cookies and Chrome that have no relation to Plaintiffs’ allegations in this litigation. Google objects to this request to the extent it seeks information protected from discovery by the attorney-client privilege, work-product doctrine, the common-interest privilege, or any other

1 privilege or immunity. For these reasons, the request is not proportional to the needs of the case,
 2 and the burden of the proposed discovery outweighs any likely benefit.

3 Subject to and without waiving the foregoing objections, Google responds as follows:
 4 Subject to and without waiving the foregoing objections, Google responds as follows: Google will
 5 produce non-privileged, non-work product, responsive documents sufficient to show the reason
 6 Google is phasing out support for third-party cookies in Chrome, to the extent that such documents
 7 exist, are within Google's possession, custody, or control, and can be located following a
 8 reasonable search.

9
 10 **REQUEST FOR PRODUCTION NO. 95:**

11 Documents sufficient to show how Google defined "third-party cookies" in connection
 12 with private browsing mode, including Incognito mode.

13
 14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 95:**

15 Google incorporates its General Objections as if set forth fully herein. Google further
 16 objects to this request as vague and ambiguous as to the meaning of the phrase "Incognito mode,"
 17 which is neither self-evident nor defined. For the purposes of responding to this request, Google
 18 assumes that "Incognito mode" means Google Chrome's Incognito private browsing mode.
 19 Google's past and present Privacy Policies are publicly available. Therefore, Plaintiffs can obtain
 20 the information they seek from publicly available sources. Google further objects to this request
 21 as overbroad because it seeks information regarding any "private browsing mode" for any browser,
 22 even those which no Plaintiff has alleged he or she used to browse privately. For these reasons,
 23 the request is not proportional to the needs of the case, and the burden of the proposed discovery
 24 outweighs any likely benefit.

25 Subject to and without waiving the foregoing objections, Google responds as follows:
 26 Google will produce non-privileged, non-work product, responsive documents sufficient to show
 27 how Google defined "third-party cookies" in public disclosures from June 1, 2016 to the present,
 28

1 to the extent that such documents exist, are within Google’s possession, custody, or control, and
2 can be located following a reasonable search.

3
4 **REQUEST FOR PRODUCTION NO. 96:**

5 Documents concerning all changes made by Google since 2005 to its data collection
6 practices while users are in private browsing mode, including Incognito mode.

7
8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 96:**

9 Google incorporates its General Objections as if set forth fully herein. Google objects to
10 this request to the extent it is duplicative of Request for Production No. 16, and incorporates its
11 objections and response to that request. Google objects to this request as vague and ambiguous as
12 to the meaning of the phrase “data collection practices” and “Incognito mode,” which are neither
13 self-evident nor defined. For the purposes of responding to this request, Google assumes that
14 “Incognito mode” means Google Chrome’s Incognito private browsing mode. Google also objects
15 to the phrase “data collection practices” as vague and ambiguous, as it could refer to documents
16 other than formal policies related to privacy. Google further objects to this request as overbroad
17 because it seeks information regarding any “private browsing mode” for any browser, even those
18 which no Plaintiff has alleged he or she used to browse privately. Google objects to this request to
19 the extent it seeks information protected from discovery by the attorney-client privilege, work-
20 product doctrine, the common-interest privilege, or any other privilege or immunity. Google
21 further objects to this request as overly broad and unduly burdensome in seeking documents
22 concerning events that occurred as early as 2005, eleven years before the June 1, 2016 start of the
23 Class Period. Google further objects to this request as overly broad and unduly burden in seeking
24 any changes “to [Google’s] data collection practices while users are in private browsing mode,
25 including Incognito mode” since changes to Google’s disclosures or practices years before the start
26 of the class period have no relevance to Plaintiffs’ claims that Google made certain promises
27 during the relevant time period and breached those promises. Thus, the request is not proportional
28

1 to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.
2 For these reasons, Google will not produce documents in response to this request.
3

4 **REQUEST FOR PRODUCTION NO. 97:**

5 Documents concerning this lawsuit, including email, instant message, and text message
6 communications by Google employees on or after June 2, 2020.
7

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 97:**

9 Google incorporates its General Objections as if set forth fully herein. Google objects to
10 this request to the extent it is duplicative of Requests for Production Nos. 17 and 141, and
11 incorporates its objections and response to those requests. Google further objects to this request as
12 overbroad, unduly burdensome, and vague and ambiguous in its use of the phrase “[d]ocuments
13 concerning this lawsuit,” which is neither self-evident nor defined. Google further objects to this
14 request because it appears to be designed to seek information protected from discovery by the
15 attorney-client privilege, work-product doctrine, the common-interest privilege, or any other
16 privilege or immunity. Thus, the request is not proportional to the needs of the case, and the burden
17 of the proposed discovery outweighs any likely benefit. For these reasons, Google will not produce
18 documents in response to this request.
19

20 **REQUEST FOR PRODUCTION NO. 98:**

21 Google’s external and internal documents relating to any new privacy features Google has
22 released or is releasing with regard to private-mode web browsing, Google Analytics, and Google
23 Analytics User-ID.
24

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 98:**

26 Google incorporates its General Objections as if set forth fully herein. Google further
27 objects to this request as vague and ambiguous as to the meaning of the phrases “new privacy
28 features” and “has released or is releasing,” which are neither self-evident nor defined. Google

1 further objects to this request as overly broad and unduly burdensome because the request is not
 2 limited in scope and effectively seeks all documents relating to “privacy features” with regard to
 3 broad topics like “private-mode web browsing” and “Google Analytics,” without attempting to
 4 target issues relevant to the claims and allegations in this litigation. Further, Google’s external
 5 documents relating to privacy features that Google has released for private-mode web browsing,
 6 Google Analytics, and Google Analytics User-Id can be found in various publicly available
 7 sources, such as Google’s developer pages. Therefore, Plaintiffs can obtain certain responsive
 8 information from publicly available sources. Google further objects to this request as overbroad
 9 because it seeks information regarding any “private browsing mode” for any browser, even those
 10 which no Plaintiff has alleged he or she used to browse privately. Google further objects to this
 11 request to the extent it is designed to seek information protected from discovery by the attorney-
 12 client privilege, work-product doctrine, the common-interest privilege, or any other privilege or
 13 immunity. For these reasons, the request is not proportional to the needs of the case, and the burden
 14 of the proposed discovery outweighs any likely benefit.

15 Subject to and without waiving the foregoing objections, Google responds as follows:
 16 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are
 17 seeking and to appropriately narrow the scope of this request.

18
 19 **REQUEST FOR PRODUCTION NO. 99:**

20 Documents sufficient to show all Google revenues and profits from Google’s collection of
 21 data while users are in private browsing mode, during the Class Period, broken down by month.

22
 23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 99:**

24 Google incorporates its General Objections as if set forth fully herein. Google further
 25 objects to this request as vague and ambiguous as to the meaning of the phrase “revenues and
 26 profits from Google’s collection of data while users are in private browsing mode” because the
 27 terms “revenue” and “profit” are not defined. Google also objects to this request because it is
 28 overly broad and unduly burdensome in its scope: it seeks documents related to all Google

1 “revenue and profit” despite that the allegations here are limited to the purportedly unauthorized
2 collection of certain browsing activity data by Google Analytics and Google Ad Manager. Further,
3 this request seeks “all Google revenues and profits” related only to the collection of data while
4 users are in private browsing mode, but Google Ad Manager and Google Analytics are unaware
5 of whether a user is in private browsing mode while visiting a website using those Google services.
6 Therefore, these documents do not exist in the ordinary course of business. Google further objects
7 to this request as overbroad because it seeks information regarding any “private browsing mode”
8 for any browser, even those which no Plaintiff has alleged he or she used to browse privately. For
9 these reasons, Google will not produce documents in response to this request.

10
11 **REQUEST FOR PRODUCTION NO. 100:**

12 Google’s sales documents relating to its profits from Google Analytics (and legacy
13 products that were eventually merged into Google Analytics) that relate to how Google profited as
14 alleged in the First Amended Complaint.

15
16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 100:**

17 Google further objects to this request as vague and ambiguous as to the meaning the phrase
18 “how Google profited as alleged in the First Amended Complaint,” as Plaintiffs’ First Amended
19 Complaint is a 37-page document that contains a host of allegations that have little to do with the
20 main thrust of Plaintiff’s complaint. For the purposes of responding to this request, Google
21 assumes that the phrase above refers to the central allegation in the First Amended Complaint that
22 Google Analytics and Google Ad Manager purportedly collected, without authorization, certain
23 browsing activity data while Plaintiffs were browsing certain websites in private browsing mode
24 while signed out of their Google Account. Google also objects to this request as vague and
25 ambiguous as to the phrase “legacy products that were eventually merged into Google Analytics,”
26 which is neither self-evident nor defined. Further, the term “sales documents relating to its profits”
27 in the context of this request is vague and ambiguous because it is unclear if Plaintiffs are looking
28 for documents that document profits or documents that otherwise document how profits are

1 calculated. For these reasons, the request is not proportional to the needs of the case, and the burden
2 of the proposed discovery outweighs any likely benefit.

3 Subject to and without waiving the foregoing objections, Google responds as follows:
4 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
5 to appropriately narrow the scope of this request.

6
7 **REQUEST FOR PRODUCTION NO. 101:**

8 Google's sales documents relating to its profits from Google Ad Manager (and legacy
9 products that was eventually merged into Google Ad Manager) that relate to how Google profited
10 as alleged in the First Amended Complaint.

11
12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 101:**

13 Google further objects to this request as vague and ambiguous as to the meaning the phrase
14 "how Google profited as alleged in the First Amended Complaint," as Plaintiffs' First Amended
15 Complaint is a 37-page document that contains a host of allegations that have little to do with the
16 main thrust of Plaintiff's complaint. For the purposes of responding to this request, Google
17 assumes that the phrase above refers to the central allegation in the First Amended Complaint that
18 Google Analytics and Google Ad Manager purportedly collected, without authorization, certain
19 browsing activity data while Plaintiffs were browsing certain websites in private browsing mode
20 while signed out of their Google Account. Google also objects to this request as vague and
21 ambiguous as to the phrase "legacy products that were eventually merged into Google Ad
22 Manager," which is neither self-evident nor defined. Further, the term "sales documents relating
23 to its profits" in the context of this request is vague and ambiguous because it is unclear if Plaintiffs
24 are looking for documents that document profits or documents that otherwise document how
25 profits are calculated. For these reasons, the request is not proportional to the needs of the case,
26 and the burden of the proposed discovery outweighs any likely benefit.

1 Subject to and without waiving the foregoing objections, Google responds as follows:
 2 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
 3 to appropriately narrow the scope of this request.
 4

5 **REQUEST FOR PRODUCTION NO. 102:**

6 Google's documents showing how Google improved its Google products and services
 7 (including but not limited to Search, Google Analytics, and Google Ad Manager) based on data
 8 Google obtained relating to the allegations at issue in the First Amended Complaint.
 9

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 102:**

11 Google incorporates its General Objections as if set forth fully herein. Google further
 12 objects to this request as vague and ambiguous because it is unclear what part of the request
 13 "relating to the allegations at issue in the First Amended Complaint" qualifies. Google also objects
 14 to this request because it fails to specify clearly what "data" it seeks this information. Google
 15 further objects to this request as overly broad and unduly burdensome to the extent it seeks
 16 documents related to *any* improvement to *any* Google product or service, no matter how extraneous
 17 to the allegations in Plaintiffs' complaint. Thus, the request is not proportional to the needs of the
 18 case, and the burden of the proposed discovery outweighs any likely benefit. For these reasons,
 19 Google will not produce documents in response to this request.
 20

21 **REQUEST FOR PRODUCTION NO. 103:**

22 Documents concerning all ways in which Google has benefited from the conduct alleged
 23 in this lawsuit, including without limitation advertising revenues, impact on Google's market
 24 power, and improvement or development of additional Google services or products.
 25

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 103:**

27 Google incorporates its General Objections as if set forth fully herein. Google further
 28 objects to this request as vague and ambiguous as to the meaning of "conduct alleged in this

lawsuit,” which is neither self-evident nor defined. For the purposes of responding to this request, Google assumes that the “conduct” at issue refers to the allegation in the First Amended Complaint that Google Analytics and Google Ad Manager purportedly collected, without authorization, certain browsing activity data while Plaintiffs were browsing certain websites in private browsing mode while signed out of their Google Account. Google therefore further objects to the extent that this request assumes Google has “benefited” in the ways alleged in the First Amended Complaint. Further, Plaintiffs in this matter have not brought any antitrust or competition claims, and the relevant “market” is neither defined in Plaintiffs’ allegations nor relevant to the claims at issue here, nor is Google’s “market power” in, or purported impact on, any given market. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs seek and to appropriately narrow the scope of this request.

REQUEST FOR PRODUCTION NO. 104:

All documents pertaining to Google’s decision to collect user data while users are in private browsing mode, including any assessments of the value of such data to Google or the cost of avoiding collecting such data.

RESPONSE TO REQUEST FOR PRODUCTION NO. 104:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague as to the meaning of “Google’s decision to collect user data while users are in a private browsing mode,” which is ambiguous as to what data the undefined term “user data” refers to. The further request for “assessments of” the “value of such data to Google” and “the cost of avoiding collecting such data” are likewise ambiguous to the extent that they also assume a particularized and specific assessment related to data obtained from private browsing mode. Google further objects to this request as overbroad because it seeks information regarding

1 any “private browsing mode” for any browser, even those which no Plaintiff has alleged he or she
2 used to browse privately. For these reasons, the request is not proportional to the needs of the case,
3 and the burden of the proposed discovery outweighs any likely benefit.

4 Subject to and without waiving the foregoing objections, Google responds as follows:
5 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs seek
6 and to appropriately narrow the scope of this request.

7
8 **REQUEST FOR PRODUCTION NO. 105:**

9 All documents pertaining to why users employ private browsing mode.

10
11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 105:**

12 Google incorporates its General Objections as if set forth fully herein. Google further
13 objects to this request as overbroad because it seeks information regarding any “private browsing
14 mode” for any browser, even those which no Plaintiff has alleged he or she used to browse
15 privately. Google further objects to this request as overly broad and unduly burdensome because
16 the request is not limited in scope. Google further objects insofar as this request seeks documents
17 related to Plaintiffs’ decisions to browse certain websites in the Incognito private browsing mode,
18 which are in Plaintiffs’ possession, custody, or control. Google further objects to this request to
19 the extent it seeks information protected from discovery by the attorney-client privilege, work-
20 product doctrine, the common-interest privilege, or any other privilege or immunity. For these
21 reasons, the request is not proportional to the needs of the case, and the burden of the proposed
22 discovery outweighs any likely benefit.

23 Subject to and without waiving the foregoing objections, Google responds as follows:
24 Google will produce non-privileged, non-work product, responsive studies related to why users
25 employ Chrome’s Incognito mode, to the extent that such documents exist, are within Google’s
26 possession, custody, or control, and can be located following a reasonable search.

REQUEST FOR PRODUCTION NO. 106:

Documents sufficient to identify all data collected during the Class Period while users were in private browsing mode, including data identifying the user, and the type of data collected, and the number of occasions when each data type was collected.

RESPONSE TO REQUEST FOR PRODUCTION NO. 106:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrase “data identifying the user,” which is neither self-evident nor defined. Google further objects to this request as overbroad because it seeks information regarding any “private browsing mode” for any browser, even those which no Plaintiff has alleged he or she used to browse privately. Google further objects to this request as overly broad and unduly burdensome to the extent the request seeks user-level data for all Google consumers with no meaningful limitation. Google further objects to the phrase “all data collected” because Plaintiffs do not clarify what kind of “data,” in what context, and which entity’s collection this request concerns. Google does not associate Google Account holders’ electronic or physical address information with their logged-out browsing activities. Google does not maintain documents or data in the ordinary course of business to identify whether a user is in private browsing mode. As such, Google does not maintain documents or data in the ordinary course of business that would allow it to identify all data collected while users were in private browsing mode. Google further objects to this request because it seeks highly sensitive and personal information. Google further objects to this request as premature because class certification has not been granted. *See In re Williams-Sonoma, Inc.*, 947 F.3d 535, 539-40 (9th Cir. 2020) (holding that pursuant to the Supreme Court’s decision in *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 350–53, 98 S. Ct. 2380, 2389–90 (1978), “seeking discovery of the name of a class member... is not relevant within the meaning of [Rule 26(b)(1)], and it is even less relevant where no class has been certified”). Thus, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these reasons, Google will not produce documents in response to this request.

1 **REQUEST FOR PRODUCTION NO. 107:**

2 Data sufficient to determine the frequency and duration with which each class member
3 employed private browsing mode during the Class Period, and the extent to which they were or
4 were not signed into a Google account at the time, on a periodic basis (e.g., monthly, annually).

5
6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 107:**

7 Google incorporates its General Objections as if set forth fully herein. Google further
8 objects to this request as vague and ambiguous as to the meaning of the phrase “employed private
9 browsing mode,” which is neither self-evident nor defined. Google further objects to this request
10 as overbroad because it seeks information regarding any “private browsing mode” for any browser,
11 even those which no Plaintiff has alleged he or she used to browse privately. Google further objects
12 to this request as overly broad and unduly burdensome to the extent the request seeks user-level
13 data for all Google consumers with no meaningful limitation. Google does not associate Google
14 Account holders’ electronic or physical address information with their logged-out browsing
15 activities. Google does not maintain documents or data in the ordinary course of business to
16 identify whether a user is in private browsing mode. Google does not maintain documents or data
17 in the ordinary course of business that associate a user’s signed-in data with their signed-out data.
18 As such, Google does not maintain documents or data in the ordinary course of business that would
19 allow it to identify “the frequency and duration with which each class member employed private
20 browsing mode during the Class Period.” Google further objects to this request because it seeks
21 highly sensitive and personal information. Google further objects to this request as premature
22 because class certification has not been granted. *See In re Williams-Sonoma, Inc.*, 947 F.3d 535,
23 539-40 (9th Cir. 2020) (holding that pursuant to the Supreme Court’s decision in *Oppenheimer*
24 *Fund, Inc. v. Sanders*, 437 U.S. 340, 350–53, 98 S. Ct. 2380, 2389–90 (1978), “seeking discovery
25 of the name of a class member... is not relevant within the meaning of [Rule 26(b)(1)], and it is
26 even less relevant where no class has been certified”). Thus, the request is not proportional to the
27 needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these
28 reasons, Google will not produce documents in response to this request.

REQUEST FOR PRODUCTION NO. 108:

Documents sufficient to identify, by month during the Class Period, the number of users for which Google collected data while users were in private browsing mode.

RESPONSE TO REQUEST FOR PRODUCTION NO. 108:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrase “Google collected data,” which is neither self-evident nor defined. Google further objects to this request as overbroad because it seeks information regarding any “private browsing mode” for any browser, even those which no Plaintiff has alleged he or she used to browse privately. Google further objects to this request as overly broad and unduly burdensome to the extent the request seeks user-level data for all Google consumers with no meaningful limitation. Google does not maintain documents or data in the ordinary course of business to identify whether a user is in private browsing mode. As such, Google does not maintain documents or data in the ordinary course of business that would allow it to identify “the number of users for which Google collected data while users were in private browsing mode.” Google further objects to this request as premature because class certification has not been granted. *See In re Williams-Sonoma, Inc.*, 947 F.3d 535, 539-40 (9th Cir. 2020) (holding that pursuant to the Supreme Court’s decision in *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 350–53, 98 S. Ct. 2380, 2389–90 (1978), “seeking discovery of the name of a class member... is not relevant within the meaning of [Rule 26(b)(1)], and it is even less relevant where no class has been certified”). Thus, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these reasons, Google will not produce documents in response to this request.

REQUEST FOR PRODUCTION NO. 109:

Documents sufficient to identify the number of times, by month during the Class Period, Google collected data while users were in private browsing mode.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 109:**

2 Google incorporates its General Objections as if set forth fully herein. Google further
 3 objects to this request as vague and ambiguous as to the meaning of the phrase “Google collected
 4 data,” which is neither self-evident nor defined. Google further objects to this request as overbroad
 5 because it seeks information regarding any “private browsing mode” for any browser, even those
 6 which no Plaintiff has alleged he or she used to browse privately. Google further objects to this
 7 request as overly broad and unduly burdensome to the extent the request seeks user-level data for
 8 all Google consumers with no meaningful limitation. Google does not maintain documents or data
 9 in the ordinary course of business to identify whether a user is in private browsing mode. As such,
 10 Google does not maintain documents or data in the ordinary course of business that would allow
 11 it to identify “the number of times, by month during the Class Period, Google collected data while
 12 users were in private browsing mode.” Thus, the request is not proportional to the needs of the
 13 case, and the burden of the proposed discovery outweighs any likely benefit. For these reasons,
 14 Google will not produce documents in response to this request.

15

16 **REQUEST FOR PRODUCTION NO. 110:**

17 Documents sufficient to identify the number of times, by month during the Class Period,
 18 Google collected data while class members were in private browsing mode.

19

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 110:**

21 Google incorporates its General Objections as if set forth fully herein. Google further
 22 objects to this request as vague and ambiguous as to the meaning of the phrases “Google collected
 23 data” and “the number of times” Google purportedly collected this data, which are neither self-
 24 evident nor defined. Google further objects to this request as overbroad because it seeks
 25 information regarding any “private browsing mode” for any browser, even those which no Plaintiff
 26 has alleged he or she used to browse privately. Google further objects to this request as overly
 27 broad and unduly burdensome to the extent the request seeks user-level data for all Google
 28 consumers with no meaningful limitation. Google does not maintain documents or data in the

1 ordinary course of business to identify whether a user is in private browsing mode. As such, Google
 2 does not maintain documents or data in the ordinary course of business that would allow it to
 3 identify “the number of times, by month during the Class Period, Google collected data while class
 4 members were in private browsing mode.” Google further objects to this request as premature
 5 because class certification has not been granted. See *In re Williams-Sonoma, Inc.*, 947 F.3d 535,
 6 539-40 (9th Cir. 2020) (holding that pursuant to the Supreme Court’s decision in *Oppenheimer*
 7 *Fund, Inc. v. Sanders*, 437 U.S. 340, 350–53, 98 S. Ct. 2380, 2389–90 (1978), “seeking discovery
 8 of the name of a class member... is not relevant within the meaning of [Rule 26(b)(1)], and it is
 9 even less relevant where no class has been certified”). Thus, the request is not proportional to the
 10 needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these
 11 reasons, Google will not produce documents in response to this request.

12
 13 **REQUEST FOR PRODUCTION NO. 111:**

14 For each Google service and/or product that incorporates or utilizes the class members’
 15 data (e.g., Google AdWords, Google AdSense, Google Analytics):

- 16 a. Documents sufficient to determine each such service and/or product.
- 17 b. Document sufficient to determine how Google prices all such products and/or
 18 services.
- 19 c. Documents sufficient to determine how Google generates revenues, cost savings,
 20 and/or profit from such products and/or services.
- 21 d. Documents sufficient understand how Google uses the class members’ data to
 22 increase the prices, revenues, and/or profits associated with each such product and/or service (e.g.,
 23 premium pricing for targeted versus non-targeted advertising).
- 24 e. Documents sufficient to determine the incremental prices, revenues, market share,
 25 and/or profits generated by such products and/or services as a result of the class members’ data.
- 26 f. Documents sufficient to determine the drivers of customer demand for such
 27 products and/or services, their success in the marketplace, and their perceived advantages versus
 28 any competitive products and/or services.

1 g. All documents concerning the types of customers (by industry, region, etc.) for such
2 products and/or services and the value they place on the class members' data.

3 h. All planning documents (e.g., business plans, marketing plans, sales plans, capital
4 expenditure plans) related to such products and/or services.

5
6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 111:**

7 Google incorporates its General Objections as if set forth fully herein. Google further
8 objects to this request as vague and ambiguous, and potentially overbroad, as to the meaning of
9 the phrase "Google service and/or product," without defining which services and/or products, and
10 phrase "class members' data," without defining the type of data or the Google service/product
11 allegedly "incorporat[ing] or utiliz[ing]" the data. Google further objects to this request as overly
12 broad and unduly burdensome to the extent it seeks documents not relevant to the central
13 allegations in this case—namely, the purportedly unauthorized collection of certain browsing
14 activity data by Google Analytics and Google Ad Manager while Plaintiffs were visiting certain
15 websites in private browsing mode while signed out of their Google Account from June 1, 2016 to
16 the present. Google further objects to this request as vague and ambiguous as to the meaning of
17 the phrases "revenues, cost savings, and/or profit," "revenues, and/or profits," "incremental prices,
18 revenues, market share, and/or profits" because the terms "revenue," "cost," "profit" and "market
19 share" are not defined. Google further objects to this request as vague and ambiguous, and
20 potentially overbroad, as to the meaning of the phrases "drivers of customer demand," "success in
21 the marketplace," "perceived advantages," and "competitive products and/or services," which are
22 neither self-evident or defined. Google further objects to this request as vague and ambiguous, and
23 potentially overbroad, as to the meaning of the phrase "types of customers," which is neither self-
24 evident or defined. Google further objects to this request as it seeks "the value" that Google
25 Analytics and Google Ad Manager "place on the class members' data," because the alleged "class
26 members," as described in the First Amended Complaint, is not ascertainable. With certain limited
27 exclusions, the Amended Complaint defines the class members (at ¶192) as consisting of "[a]ll
28 individuals with either a Google account who accessed a website containing Google Analytics or

Google Ad Manager using any non-Android device” or “Android device owners who “accessed a website containing Google Analytics or Google Ad Manager using such device,” “who were (a) in ‘private browsing mode’ in that device’s browser, and (b) were not logged into their Google account on that device’s browser.” However, Google does not associate Google Account holders’ electronic or physical address information with their logged-out browsing activities. Neither Google Analytics nor Google Ad Manager differentiates between data collected while a user was using private browsing mode or not. As such, Google does not maintain documents or data in the ordinary course of business that would allow it to identify the alleged class members, which are limited to users in private browsing mode who were not logged into their Google Account. Google further objects to this request to the extent it is designed to seek information protected from discovery by the attorney-client privilege, work-product doctrine, the common-interest privilege, or any other privilege or immunity. Thus, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these reasons, Google will not produce documents in response to this request.

REQUEST FOR PRODUCTION NO. 112:

All documents pertaining to the value of user data during the Class Period, including:

- a. Any Google estimates of the value of its user data either generally or to any products and/or services.
- b. Any third-party estimates of the value of Google’s or any other entities’ user data either generally or to any products and/or service.
- c. Any estimate of the relationship, if any, between the value of incremental data on a given user and the amount of data already collected on that user (i.e., the diminishing marginal return on data), either generally or to any products and/or services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 112:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of “the value of user data,” which

1 is neither self-evident nor defined. To the extent Plaintiffs seek documents related to any user data
2 generally, not tethered to the allegations in this case, this request is far too broad and burdensome,
3 and not proportional to the needs of the case. For the purposes of responding to this request, Google
4 assumes that the request seeks documents pertaining to certain browsing activity data that Google
5 Analytics and Google Ad Manager purportedly collected, without authorization, while Plaintiffs
6 were browsing certain websites in private browsing mode while signed out of their Google
7 Account.

8 Subject to and without waiving the foregoing objections, Google responds as follows:
9 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are
10 seeking and to appropriately narrow the scope of this request.

11
12 **REQUEST FOR PRODUCTION NO. 113:**

13 All documents pertaining to Google's purchase or sale of user data from any third party,
14 including documents sufficient to determine the types of data transacted, the price paid/received
15 for the data, and/or any other relevant terms of the transaction.

16
17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 113:**

18 Google incorporates its General Objections as if set forth fully herein. Google further
19 objects to this request as vague and ambiguous as to the meaning of "user data," which is neither
20 self-evident nor defined. To the extent Plaintiffs seek documents related to any user data generally,
21 not tethered to the allegations in this case, this request is far too broad and burdensome, and not
22 proportional to the needs of the case. For the purposes of responding to this request, Google
23 assumes that the request seeks documents pertaining to certain browsing activity data that Google
24 Analytics and Google Ad Manager purportedly collected, without authorization, while Plaintiffs
25 were browsing certain websites in private browsing mode while signed out of their Google
26 Account.

1 Subject to and without waiving the foregoing objections, Google responds as follows:
 2 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs seek
 3 and to appropriately narrow the scope of this request.

4
 5 **REQUEST FOR PRODUCTION NO. 114:**

6 All documents pertaining to Google's purchases or sales of entities (e.g., companies,
 7 divisions, business groups) in which user data constituted a material portion of the assets
 8 transacted, including documents sufficient to determine the portion of the price paid/received
 9 attributable to the user data and all relevant terms of the transaction.

10
 11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 114:**

12 Google incorporates its General Objections as if set forth fully herein. Google further
 13 objects to this request as vague and ambiguous as to the meaning of "user data," which is neither
 14 self-evident nor defined. To the extent Plaintiffs seek documents related to any user data generally,
 15 not tethered to the allegations in this case, this request is far too broad and burdensome, and not
 16 proportional to the needs of the case. Google further objects to the phrase "user data constituted a
 17 material portion of the assets transacted," as unclear and vague and ambiguous because the term
 18 "material" is not defined. Thus, the request is not proportional to the needs of the case, and the
 19 burden of the proposed discovery outweighs any likely benefit. For these reasons, Google will not
 20 produce documents in response to this request.

21
 22 **REQUEST FOR PRODUCTION NO. 115:**

23 Periodic financial statements adequate to determine the following for each of the Google
 24 product and/or service that incorporates or utilizes the class members' data:

- 25 a. Revenue;
- 26 b. Cost of Goods Sold;
- 27 c. Operating Expenses;
- 28 d. Variable Expenses;

1 e. Fixed Expenses; and

2 f. Profit.

3
4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 115:**

5 Google incorporates its General Objections as if set forth fully herein. Google further
6 objects to this request as vague and ambiguous as to the meaning of “periodic” and “cost of goods
7 sold,” which are neither self-evident nor defined. Further, the First Amended Complaint defines
8 the class members (at ¶192) as consisting of “[a]ll individuals with either a Google account who
9 accessed a website containing Google Analytics or Google Ad Manager using any non-Android
10 device” or “Android device owners who “accessed a website containing Google Analytics or
11 Google Ad Manager using such device,” “who were (a) in ‘private browsing mode’ in that device’s
12 browser, and (b) were not logged into their Google account on that device’s browser.” However,
13 neither Google Analytics nor Google Ad Manager differentiates between data collected while a
14 user was using private browsing mode or not. As such, Google does not maintain documents or
15 data in the ordinary course of business that would allow it to identify “class member data,” which
16 is limited to data from users in private browsing mode who were not logged into their Google
17 Account. Thus, the request is not proportional to the needs of the case, and the burden of the
18 proposed discovery outweighs any likely benefit. For these reasons, Google will not produce
19 documents in response to this request.

20
21 **REQUEST FOR PRODUCTION NO. 116:**

22 All planning documents (e.g., business plans, marketing plans, sales plans, capital
23 expenditure plans) related to Google’s collection and/or use of class member data.

24
25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 116:**

26 Google incorporates its General Objections as if set forth fully herein. Google further
27 objects to this request as vague and ambiguous as to the meaning of “planning documents” which
28 is neither self-evident nor defined. To the extent that it seeks all of “business plans, marketing

plans, sales plans, capital expenditure plans” the request is overly broad and unduly burdensome. Further, the First Amended Complaint defines the class members (at ¶192) as consisting of “[a]ll individuals with either a Google account who accessed a website containing Google Analytics or Google Ad Manager using any non-Android device” or “Android device owners who “accessed a website containing Google Analytics or Google Ad Manager using such device,” “who were (a) in ‘private browsing mode’ in that device’s browser, and (b) were not logged into their Google account on that device’s browser.” However, neither Google Analytics nor Google Ad Manager differentiates between data collected while a user was using private browsing mode or not. As such, Google does not maintain documents or data in the ordinary course of business that would allow it to identify “class member data,” which is limited to data from users in private browsing mode who were not logged into their Google Account. Thus, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these reasons, Google will not produce documents in response to this request.

REQUEST FOR PRODUCTION NO. 117:

Documents, studies, reports, and articles that describe or pertain to the market for user data, including class member data.

RESPONSE TO REQUEST FOR PRODUCTION NO. 117:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of “user data” which is neither self-evident nor defined. To the extent the request seeks all documents, whether internal or public, that pertain in any to a purported “market” for any type of “user data,” however far removed from the allegations of this case, the request seeks much irrelevant information and is overbroad and unduly burdensome. Further, the First Amended Complaint defines the class members (at ¶192) as consisting of “[a]ll individuals with either a Google account who accessed a website containing Google Analytics or Google Ad Manager using any non-Android device” or “Android device owners who “accessed a website containing Google Analytics or Google Ad Manager using such

1 device,” “who were (a) in ‘private browsing mode’ in that device’s browser, and (b) were not
2 logged into their Google account on that device’s browser.” However, neither Google Analytics
3 nor Google Ad Manager differentiates between data collected while a user was using private
4 browsing mode or not. As such, Google does not maintain documents or data in the ordinary course
5 of business that would allow it to identify “class member data,” which is limited to data from users
6 in private browsing mode who were not logged into their Google Account. For these reasons, the
7 request is not proportional to the needs of the case, and the burden of the proposed discovery
8 outweighs any likely benefit.

9 Subject to and without waiving the foregoing objections, Google responds as follows:
10 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs seek
11 and to appropriately narrow the scope of this request.
12

13 **REQUEST FOR PRODUCTION NO. 118:**

14 Documents sufficient to understand how Google determines compensation for tracking
15 user’s data related to but not limited to how Google determines compensation for participants in
16 the “Google Screenwise Trends” program.
17

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 118:**

19 Google incorporates its General Objections as if set forth fully herein. Google further
20 objects to this request as vague and ambiguous as to the meaning of “tracking user’s data” which
21 is neither self-evident nor defined. The request is also ambiguous in its use of the term “Google
22 Screenwise Trends” (now Google Opinion Rewards), which is an app that allows users to complete
23 short surveys and get rewarded with Google Play or PayPal credit for each one they complete.
24 Therefore, the request about how compensation is determined in the context of users completing
25 short surveys has little, if any, relevance to the claims and allegations in this litigation. Thus, the
26 request is not proportional to the needs of the case, and the burden of the proposed discovery
27 outweighs any likely benefit. For these reasons, Google will not produce documents in response
28 to this request.

1 **REQUEST FOR PRODUCTION NO. 119:**

2 Documents sufficient to identify, during the Class Period, web browser communications
3 that did not contain any cookies.

4
5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 119:**

6 Google incorporates its General Objections as if set forth fully herein. Google further
7 objects to this request as vague and ambiguous, and potentially overbroad, as to the meaning of
8 the phrase “web browser communications that did not contain any cookies,” because it can be
9 interpreted to include non-Google cookies or types of web browser communications that never
10 contain cookies. Google further objects to this request as overly broad and unduly burdensome to
11 the extent the request seeks user-level data for all Google users with no meaningful limitation. For
12 these reasons, the request is not proportional to the needs of the case, and the burden of the
13 proposed discovery outweighs any likely benefit.

14 Subject to and without waiving the foregoing objections, Google responds as follows:
15 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs seek
16 and to appropriately narrow the scope of this request.

17
18 **REQUEST FOR PRODUCTION NO. 120:**

19 Documents sufficient to identify, during the Class Period, Chrome web browser
20 communications that did not contain any X-Client Data Header.

21
22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 120:**

23 Google incorporates its General Objections as if set forth fully herein. Google further
24 objects to this request as vague and ambiguous, and potentially overbroad, as to the meaning of
25 the phrase “Chrome web browser communications that did not contain any X-Client Data Header,”
26 without defining which types of communications are at issue. To the extent Plaintiffs seek all
27 Chrome web browser communications—including to Google domains that do not receive the X-
28 Client Data Header—the request is not proportional to the needs of the case, and the burden of the

1 proposed discovery outweighs any likely benefit. Google further objects to this request as overly
2 broad and unduly burdensome to the extent the request seeks user-level data for all Chrome users
3 with no meaningful limitation. For these reasons, the request is not proportional to the needs of the
4 case, and the burden of the proposed discovery outweighs any likely benefit.

5 Subject to and without waiving the foregoing objections, Google responds as follows:
6 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are
7 seeking and to appropriately narrow the scope of this request.

8
9 **REQUEST FOR PRODUCTION NO. 121:**

10 Documents sufficient to show usage data regarding the number of times Incognito sessions
11 have been initiated during the Class Period, broken down by month.

12
13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 121:**

14 Google incorporates its General Objections as if set forth fully herein. Google further
15 objects to this request as vague and ambiguous, and potentially overbroad, as to the meaning of
16 the phrase “number of times Incognito sessions have been initiated,” which is neither self-evident
17 nor defined. For the purposes of responding to this request, Google assumes that “Incognito
18 sessions” means sessions in Google Chrome’s Incognito browsing mode.

19 Subject to and without waiving the foregoing objections, Google responds as follows:
20 Google will produce non-privileged, non-work product, responsive documents sufficient to show
21 the number of times Incognito sessions have been initiated on the Chrome browser during the
22 Class Period, to the extent that such documents exist, are within Google’s possession, custody, or
23 control, and can be located following a reasonable search.

24
25 **REQUEST FOR PRODUCTION NO. 122:**

26 Documents concerning any usage analytics regarding any Chrome browser features,
27 including any analysis and findings regarding consumers’ use of Incognito mode.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 122:**

2 Google incorporates its General Objections as if set forth fully herein. Google further
 3 objects to this request as vague and ambiguous as to the meaning of the phrase “usage analytics
 4 regarding any Chrome browser features,” which is neither self-evident nor defined. Google further
 5 objects to this request as overly broad and unduly burdensome because it seeks documents
 6 regarding any “Chrome browser features,” even if those features have no relevance to the claims
 7 and defenses in this litigation. For these reasons, the request is not proportional to the needs of the
 8 case, and the burden of the proposed discovery outweighs any likely benefit.

9 Subject to and without waiving the foregoing objections, Google responds as follows:
 10 Google will produce non-privileged, non-work product, responsive documents concerning usage
 11 analytics regarding consumers’ use of Incognito mode, to the extent that such documents exist, are
 12 within Google’s possession, custody, or control, and can be located following a reasonable search.

13

14 **REQUEST FOR PRODUCTION NO. 123:**

15 Documents concerning any usage analytics regarding any non-Chrome browser features,
 16 including any analysis and findings regarding consumers’ use of private browsing mode on any
 17 non-Chrome browser.

18

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 123:**

20 Google incorporates its General Objections as if set forth fully herein. Google further
 21 objects to this request as vague and ambiguous as to the meaning of the phrase “usage analytics
 22 regarding any non-Chrome browser features,” which is neither self-evident nor defined. Google
 23 further objects to this request as overly broad and unduly burdensome because it seeks documents
 24 regarding any “non-Chrome browser features,” even if those features have no relevance to the
 25 claims and defenses in this litigation. Google further objects to this request as overbroad because
 26 it seeks information regarding any “private browsing mode on any non-Chrome browser,” even
 27 those which no Plaintiff has alleged he or she used to browse privately. For these reasons, the
 28

1 request is not proportional to the needs of the case, and the burden of the proposed discovery
2 outweighs any likely benefit.

3 Subject to and without waiving the foregoing objections, Google responds as follows:
4 Google will produce non-privileged, non-work product, responsive documents relating to usage
5 analytics regarding consumers' use of private browsing mode on any non-Chrome browser, to the
6 extent that such documents exist, are within Google's possession, custody, or control, and can be
7 located following a reasonable search.

8
9 **REQUEST FOR PRODUCTION NO. 124:**

10 Documents concerning any valuation of user data, including data Google collected while
11 users were in private browsing mode.

12
13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 124:**

14 Google incorporates its General Objections as if set forth fully herein. Google further
15 objects to this request to the extent it is duplicative of Request Nos. 104 and 112. Google further
16 objects to this request as overbroad because it seeks information regarding any "private browsing
17 mode" for any browser, even those which no Plaintiff has alleged he or she used to browse
18 privately. Google further objects to this request as vague as to the meaning of "valuation of user
19 data, including data Google collected while users were in private browsing mode," which is
20 ambiguous as to what data the undefined term "user data" refers. To the extent Plaintiffs seek
21 documents related to any user data generally, not tethered to the allegations in this case, this request
22 is far too broad and burdensome, and not proportional to the needs of the case. For the purposes
23 of responding to this request, Google assumes that the request seeks documents pertaining to
24 certain browsing activity data that Google Analytics and Google Ad Manager purportedly
25 collected, without authorization, while Plaintiffs were browsing certain websites in private
26 browsing mode while signed out of their Google Account.

1 Subject to and without waiving the foregoing objections, Google responds as follows:
 2 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are
 3 seeking and to appropriately narrow the scope of this request.
 4

5 **REQUEST FOR PRODUCTION NO. 125:**

6 Documents concerning the prices charged by Google during the Class Period in connection
 7 with its advertising services, including higher prices Google charged using the data at issue in this
 8 lawsuit.
 9

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 125:**

11 Google incorporates its General Objections as if set forth fully herein. Google further
 12 objects to this request as unclear, vague and ambiguous because the phrase “advertising services”
 13 is neither self-evident nor defined. Google further objects to this request as vague as to the meaning
 14 of “higher prices Google charged using the data at issue in this lawsuit,” which assumes Google
 15 used the “data at issue” to charge a higher price, and is ambiguous as to what data the undefined
 16 term “the data at issue” refers to. For the purposes of responding to this request, Google assumes
 17 that the request seeks documents pertaining to certain browsing activity data that Google Analytics
 18 and Google Ad Manager purportedly collected, without authorization, while Plaintiffs were
 19 browsing certain websites in private browsing mode while signed out of their Google Account.
 20 Google also objects on the basis that the prices Google charged for advertising services have no
 21 bearing on the claims and defenses in this litigation. For these reasons, the request is not
 22 proportional to the needs of the case, and the burden of the proposed discovery outweighs any
 23 likely benefit. For these reasons, Google will not produce documents in response to this request.
 24

25 **REQUEST FOR PRODUCTION NO. 126:**

26 Documents sufficient to show how Google used the data that Google collected by Google
 27 while users were in private browsing to improve Google’s algorithms, products, and services,
 28 including Google Search.

RESPONSE TO REQUEST FOR PRODUCTION NO. 126:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrase “how Google used the data that Google collected by Google,” which is neither self-evident nor defined. Google further objects to this request as overly broad and unduly burdensome to the extent the request seeks user-level data for all Google consumers with no meaningful limitation. Google does not maintain documents or data in the ordinary course of business to identify whether a user is in private browsing mode. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are seeking and to appropriately narrow the scope of this request.

REQUEST FOR PRODUCTION NO. 127:

Documents sufficient to show how Google used the data that Google collected by Google while users were in private browsing to create new Google products and services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 127:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this request as vague and ambiguous as to the meaning of the phrase “how Google used the data that Google collected by Google,” which is neither self-evident nor defined. Google further objects to this request as overly broad and unduly burdensome to the extent the request seeks user-level data. Google does not maintain documents or data in the ordinary course of business to identify whether a user is in private browsing mode. For these reasons, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

1 Subject to and without waiving the foregoing objections, Google responds as follows:
 2 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are
 3 seeking and to appropriately narrow the scope of this request.
 4

5 **REQUEST FOR PRODUCTION NO. 128:**

6 Documents concerning Google's market power in search since January 1, 2005, including
 7 any impact on that market power based on Google's collection of data while users are in private
 8 browsing mode.
 9

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 128:**

11 Google incorporates its General Objections as if set forth fully herein. Google objects to
 12 this request as vague and ambiguous as to the meaning of the phrase "Google's market power in
 13 search" which is neither self-evident nor defined. Plaintiffs in this matter have not brought any
 14 antitrust or competition claims, and the relevant "market," be it in "search" or any other product
 15 or service, is neither defined in Plaintiffs' allegations nor relevant to the claims at issue here.
 16 Google further objects to this request as overbroad because it seeks information regarding any
 17 "private browsing mode" for any browser, even those which no Plaintiff has alleged he or she used
 18 to browse privately. Google objects to this request because it is aimed at seeking documents that
 19 have nothing to do with or are at best peripheral to Plaintiffs' allegations in this case. Plaintiffs in
 20 this matter complain about the purportedly unauthorized collection of certain browsing activity
 21 data by Google Analytics and Google Ad Manager while Plaintiffs were visiting certain websites
 22 in private browsing mode while signed out of their Google Account from June 1, 2016 to the
 23 present. Documents related to Google's purported "market power" in the undefined market of
 24 "search" are far afield from Plaintiffs' central allegations. Google also objects to this request as
 25 overly broad and unduly burdensome in seeking documents going back to 2005, eleven years
 26 before the June 1, 2016 start of the Class Period. Thus, the request is not proportional to the needs
 27 of the case, and the burden of the proposed discovery outweighs any likely benefit. For these
 28 reasons, Google will not produce documents in response to this request.

1 **REQUEST FOR PRODUCTION NO. 129:**

2 Documents concerning Google's power in the market(s) for internet browsers since
3 January 1, 2005, including any impact on that market power based on Google's collection of data
4 while users are in private browsing mode.
5

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 129:**

7 Google incorporates its General Objections as if set forth fully herein. Google objects to
8 this request as vague and ambiguous as to the meaning of the phrase "Google's power in the
9 market(s) for internet browsers" which is neither self-evident nor defined. Plaintiffs in this matter
10 have not brought any antitrust or competition claims, and the relevant "market(s)," be it in "internet
11 browsers" or any other product or service, is neither defined in Plaintiffs' allegations nor relevant
12 to the claims at issue here. Google further objects to this request as overbroad because it seeks
13 information regarding any "private browsing mode" for any browser, even those which no Plaintiff
14 has alleged he or she used to browse privately. Google further objects to this request because it is
15 aimed at seeking documents that have nothing to do with or are at best peripheral to Plaintiffs'
16 allegations in this case. Plaintiffs in this matter complain about the purportedly unauthorized
17 collection of certain browsing activity data by Google Analytics and Google Ad Manager while
18 Plaintiffs were visiting certain websites in private browsing mode while signed out of their Google
19 Account from June 1, 2016 to the present. Documents related to Google's purported "power in the
20 market(s)" in the undefined market of "internet browsers" are far afield from Plaintiffs' central
21 allegations. Google also objects to this request as overly broad and unduly burdensome in seeking
22 documents going back to 2005, eleven years before the June 1, 2016 start of the Class Period.
23 Thus, the request is not proportional to the needs of the case, and the burden of the proposed
24 discovery outweighs any likely benefit. For these reasons, Google will not produce documents in
25 response to this request.
26
27
28

1 **REQUEST FOR PRODUCTION NO. 130:**

2 Documents concerning Google's power in the market(s) for advertising services since
3 January 1, 2005, including any impact on that market power based on Google's collection of data
4 while users are in private browsing mode.
5

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 130:**

7 Google incorporates its General Objections as if set forth fully herein. Google objects to
8 this request as vague and ambiguous as to the meaning of the phrase "Google's power in the
9 market(s) for advertising services" which is neither self-evident nor defined. Plaintiffs in this
10 matter have not brought any antitrust or competition claims, and the relevant "market(s)," be it in
11 "advertising services" or any other product or service, is neither defined in Plaintiffs' allegations
12 nor relevant to the claims at issue here. Google further objects to this request as overbroad because
13 it seeks information regarding any "private browsing mode" for any browser, even those which no
14 Plaintiff has alleged he or she used to browse privately. Google further objects to this request
15 because it is aimed at seeking documents that have nothing to do with or are at best peripheral to
16 Plaintiffs' allegations in this case. Plaintiffs in this matter complain about the purportedly
17 unauthorized collection of certain browsing activity data by Google Analytics and Google Ad
18 Manager while Plaintiffs were visiting certain websites in private browsing mode while signed out
19 of their Google Account from June 1, 2016 to the present. Documents related to Google's
20 purported "power in the market(s)" in the undefined market of "advertising services" are far afield
21 from Plaintiffs' central allegations. Google also objects to this request as overly broad and unduly
22 burdensome in seeking documents going back to 2005, eleven years before the June 1, 2016 start
23 of the Class Period. Thus, the request is not proportional to the needs of the case, and the burden
24 of the proposed discovery outweighs any likely benefit. For these reasons, Google will not produce
25 documents in response to this request.
26
27
28

REQUEST FOR PRODUCTION NO. 131:

Documents concerning Google competitors or competing proposals that permit consumers to monetize their data, including Brave, Loginhood, Killi, BIGtoken, Andrew Yang's Data Dividend Project, and Nielsen Company.

RESPONSE TO REQUEST FOR PRODUCTION NO. 131:

Google incorporates its General Objections as if set forth fully herein. Google objects to this request as vague and ambiguous as to the meaning of the phrases "Google competitors or competing proposals that permit consumers to monetize their data," which is neither self-evident nor defined. Plaintiffs in this matter have not brought any antitrust or competition claims, and Google objects to this request because it is aimed at seeking documents that have nothing to do with or are at best peripheral to Plaintiffs' allegations in this case. Plaintiffs in this matter complain about the purportedly unauthorized collection of certain browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were visiting certain websites in private browsing mode while signed out of their Google Account. Documents related to any purported "competitors or competing proposals" are far afield from Plaintiffs' central allegations. Google further objects to this request to the extent it seeks information protected from discovery by the attorney-client privilege, work-product doctrine, the common-interest privilege, or any other privilege or immunity. Thus, the request is not proportional to the needs of the case, and the burden of the proposed discovery outweighs any likely benefit.

Subject to and without waiving the foregoing objections, Google responds as follows: Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and to appropriately narrow the scope of this request.

REQUEST FOR PRODUCTION NO. 132:

Documents sufficient to show all data Google used to target advertisements to Plaintiffs.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 132:**

2 Google incorporates its General Objections as if set forth fully herein. Google further
3 objects to this request as vague and ambiguous as to the meaning of the phrase “used to target
4 advertisements to Plaintiffs,” which is neither self-evident nor defined.

5 Subject to and without waiving the foregoing objections, Google responds as follows:
6 Google will produce non-privileged, non-work product, responsive documents sufficient to show
7 how ads are personalized to named Plaintiffs, to the extent that such documents exist, are within
8 Google’s possession, custody, or control, and can be located following a reasonable search.

9
10 **REQUEST FOR PRODUCTION NO. 133:**

11 Documents sufficient to identify all profiles Google has of or are linked to Plaintiffs or any
12 device used by Plaintiffs.

13
14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 133:**

15 Google incorporates its General Objections as if set forth fully herein. Google further
16 objects to this request as vague and ambiguous as to the meaning of the phrase “profiles Google
17 has of or are linked to Plaintiffs or any device used by Plaintiffs,” which is neither self-evident nor
18 defined. Google further objects to this request as overly broad and unduly burdensome to the extent
19 it seeks information pertaining to any devices used by Plaintiffs. Plaintiffs have not provided any
20 information sufficient to identify their devices.

21 Subject to and without waiving the foregoing objections, Google responds as follows:
22 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs are
23 seeking and to appropriately narrow the scope of this request.

24
25 **REQUEST FOR PRODUCTION NO. 134:**

26 Documents sufficient to show all ways in which Google has used data Google collected
27 while Plaintiffs were in private browsing mode.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 134:**

2 Google incorporates its General Objections as if set forth fully herein. Google further
 3 objects to this request as vague and ambiguous as to the meaning of the phrase “all ways in which
 4 Google has used data Google collected,” which is neither self-evident nor defined. Google does
 5 not maintain documents or data in the ordinary course of business to identify whether a user is in
 6 private browsing mode. As such, Google does not maintain documents or data in the ordinary
 7 course of business to show “ways in which Google has used data Google collected while Plaintiffs
 8 were in private browsing mode.” Google further objects to this request as overbroad because it
 9 seeks information regarding any “private browsing mode” for any browser, even those which no
 10 Plaintiff has alleged he or she used to browse privately. For these reasons, Google will not produce
 11 documents in response to this request.

12
13 **REQUEST FOR PRODUCTION NO. 135:**

14 Documents sufficient to show all Google revenues tied to advertising to class members
 15 while in private browsing mode.

16
17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 135:**

18 Google incorporates its General Objections as if set forth fully herein. Google further
 19 objects to this request as it is in relevant part duplicative to Request Nos. 99 and 115. Google
 20 further objects to this request as vague and ambiguous as to the meaning of the phrase “all Google
 21 revenues tied to advertising to class members while in private browsing mode” because the terms
 22 “revenue” and “advertising” are not defined. Google further objects to this request as overbroad
 23 because it seeks information regarding any “private browsing mode” for any browser, even those
 24 which no Plaintiff has alleged he or she used to browse privately. Google also objects to this
 25 request because it is overly broad and unduly burdensome in its scope: it seeks documents related
 26 to “all Google revenues tied to advertising” despite that the allegations here are limited to the
 27 purportedly unauthorized collection of certain browsing activity data by Google Analytics and
 28 Google Ad Manager. Further, this request seeks “all Google revenues” related only to the

1 advertising while users are in private browsing mode, but Google Ad Manager and Google
2 Analytics are unaware of whether a user is in private browsing mode while visiting a website using
3 those Google services. Therefore, these documents do not exist in the ordinary course of business.
4 Thus, the request is not proportional to the needs of the case, and the burden of the proposed
5 discovery outweighs any likely benefit. For these reasons, Google will not produce documents in
6 response to this request.

7
8 **REQUEST FOR PRODUCTION NO. 136:**

9 Documents concerning any auto-delete functionality or controls concerning user data,
10 including how such functionality impacts data Google collected while users were in private
11 browsing mode.

12
13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 136:**

14 Google incorporates its General Objections as if set forth fully herein. Google further
15 objects to this request as vague and ambiguous as to the meaning of the phrases “auto-delete
16 functionality or controls concerning user data,” in that it does not specify whether the
17 functionalities or controls Plaintiffs seek documents about are user-created, created by Google, or
18 else by third parties. Google further objects to the phrases “user data” and “data” as overly broad
19 and unduly burdensome because Plaintiffs have not clarified what kind of “user data” this request
20 concerns. Google further objects to this request as overbroad because it seeks information
21 regarding any “private browsing mode” for any browser, even those which no Plaintiff has alleged
22 he or she used to browse privately. Google further objects to this request to the extent it is designed
23 to seek information protected from discovery by the attorney-client privilege, work-product
24 doctrine, the common-interest privilege, or any other privilege or immunity. Thus, the request is
25 not proportional to the needs of the case, and the burden of the proposed discovery outweighs any
26 likely benefit.

1 Subject to and without waiving the foregoing objections, Google responds as follows:
2 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
3 to appropriately narrow the scope of this request.
4

5 **REQUEST FOR PRODUCTION NO. 137:**

6 Copies of all documents linked to or in any internal Google wikis and sites produced by
7 Google.
8

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 137:**

10 Google incorporates its General Objections as if set forth fully herein. Google further
11 objects to this request as overly broad and unduly burdensome to the extent it seeks documents not
12 relevant to the central allegations in this case—namely, the purportedly unauthorized collection of
13 certain browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were
14 visiting certain websites in private browsing mode while signed out of their Google Account from
15 June 1, 2016 to the present. Google further objects to this request to the extent it is designed to
16 seek information protected from discovery by the attorney-client privilege, work-product doctrine,
17 the common-interest privilege, or any other privilege or immunity. Thus, the request is not
18 proportional to the needs of the case, and the burden of the proposed discovery outweighs any
19 likely benefit.

20 Subject to and without waiving the foregoing objections, Google responds as follows:
21 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
22 to appropriately narrow the scope of this request.
23

24 **REQUEST FOR PRODUCTION NO. 138:**

25 Documents sufficient to identify all code-words or codenames used in connection with any
26 of the alleged issues, including Chrome, Incognito mode, and any private browsing mode.
27
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 138:**

2 Google incorporates its General Objections as if set forth fully herein. Google further
 3 objects to this request as vague and ambiguous as to the meaning of the phrases “code-words or
 4 code names” and “alleged issues,” which are neither self-evident nor defined. Google further
 5 objects to this request to the extent it seeks information protected from discovery by the attorney-
 6 client privilege, work-product doctrine, the common-interest privilege, or any other privilege or
 7 immunity. Google further objects to this request as overbroad because it seeks information
 8 regarding “any private browsing mode” for any browser, even those which no Plaintiff has alleged
 9 he or she used to browse privately. Thus, the request is not proportional to the needs of the case,
 10 and the burden of the proposed discovery outweighs any likely benefit.

11 Subject to and without waiving the foregoing objections, Google responds as follows:
 12 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
 13 to appropriately narrow the scope of this request.

14
 15 **REQUEST FOR PRODUCTION NO. 139:**

16 Documents sufficient to identify persons responsible for the matters listed below and such
 17 persons’ reporting chains, such as an output from any Google tool that maintains such information:

- 18 a. The development and launch of Chrome in September 2008 with Incognito mode.
- 19 b. Any changes to Incognito mode since September 2008, including any Incognito
 20 mode disclosures and data collection practices.
- 21 c. Google’s Privacy Policy.
- 22 d. Google controls relating to private browsing mode.
- 23 e. Google Analytics, including with respect to the collection of and use of data in
 24 connection with users’ activity while in a private browsing mode.
- 25 f. Google Ad Manager, including with respect to the collection of and use of data in
 26 connection with users’ activity while in a private browsing mode.
- 27 g. Google cookies, including with respect to the collection of and use of data in
 28 connection with users’ activity while in a private browsing mode.

1 h. Google X-Client Data Header, GStatic, and Approved Pixels, including with
2 respect to the collection of and use of data in connection with users' activity while in a private
3 browsing mode.

4 i. Google's collection, retention, and use of data collected in connection with users'
5 activity while in a private browsing mode.

6 j. Google profiling and profiles, including with respect to data collected in connection
7 with users' activity while in a private browsing mode.

8 k. Google's agreement to and compliance with the 2011 FTC consent decree and the
9 subsequent 2012 and 2019 FTC settlements.

10 l. Google's compliance with the California Consumer Privacy Act (CCPA), Europe's
11 General Data Privacy Regulation (GDPR), and similar legislation.

12 m. Google's changes in response to this lawsuit.

13 n. Google's top executives and decision makers for any of the matters above,
14 including for example Google executives involved with the development and launch of Incognito
15 mode.

16
17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 139:**

18 Google incorporates its General Objections as if set forth fully herein. Google further
19 objects to this request as vague and ambiguous as to the meaning of the phrase "Incognito mode,"
20 which is neither self-evident nor defined. For the purposes of responding to this request, Google
21 assumes that "Incognito mode" means Google Chrome's Incognito private browsing mode.
22 Google further objects to this request as overbroad because it seeks information regarding any
23 "private browsing mode" for any browser, even those which no Plaintiff has alleged he or she used
24 to browse privately. Google further objects to this request as vague and ambiguous as to the
25 meaning of the phrases "controls relating to private browsing mode," "Google cookies," "Google
26 profiling and profiles," and "similar legislation," which are neither self-evident nor defined.
27 Google further objects to this request because it seeks much irrelevant information and is overly
28 broad and unduly burdensome. Plaintiffs in this matter complain about the purportedly

1 unauthorized collection of certain browsing activity data by Google Analytics and Google Ad
2 Manager while Plaintiffs were visiting certain websites in private browsing mode while signed out
3 of their Google Account. Documents related to the 2011 FTC consent decree, the 2012 and 2019
4 FTC settlements, and Google's compliance with the CCPA, GDPR are far afield from Plaintiffs'
5 central allegations. This Request is also in relevant part duplicative to Plaintiffs' Request for
6 Production No. 71. Because the X-Client Data Header is only sent to Google domains from
7 Chrome and not sent in Incognito mode, it has no relevance to the issues in this case. Google
8 further objects to this request as overly broad and unduly burdensome because the request seeks
9 "all persons" that were "responsible for" fourteen different matters, including those individuals'
10 "reporting chains." Google further objects to this request because it seeks documents "sufficient
11 to identify" individuals over an undefined period of time, which are unlikely to exist in the ordinary
12 course of business, and therefore this request is better suited to an Interrogatory. This Request is
13 also in relevant part duplicative to Plaintiffs' Request for Production Nos. 11 and 12. For these
14 reasons, the request is not proportional to the needs of the case, and the burden of the proposed
15 discovery outweighs any likely benefit.

16 Subject to and without waiving its objections to those requests, Google has responded that
17 it will produce non-privileged, non-work product, responsive documents sufficient to identify
18 current Google personnel with responsibility for the relevant conduct relating to Google Chrome,
19 Google Analytics, and Google Ad Manager, to the extent that such documents exist, are within
20 Google's possession, custody, or control, and can be located following a reasonable search. To the
21 extent that Plaintiffs seek identification of additional individuals on additional functions, Google
22 is willing to meet and confer with Plaintiffs on the relevance of the information sought and to
23 appropriately narrow the scope of this request.

24
25 **REQUEST FOR PRODUCTION NO. 140:**

26 Documents concerning any defense Google asserts in this action, including documents
27 supporting or contradicting any defense.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 140:**

2 Google incorporates its General Objections as if set forth fully herein. Google further
3 objects to the request as premature because it seeks documents concerning “any defense Google
4 asserts” before Google has had the opportunity to conduct full discovery. Google further objects
5 to this request to the extent it is designed to seek information protected from discovery by the
6 attorney-client privilege, work-product doctrine, the common-interest privilege, or any other
7 privilege or immunity. Thus, the request is not proportional to the needs of the case, and the burden
8 of the proposed discovery outweighs any likely benefit.

9 Subject to and without waiving the foregoing objections, Google responds as follows:
10 Google will produce non-privileged, non-work product, responsive documents supporting or
11 contradicting any defense Google asserts, to the extent that such documents exist, are within
12 Google’s possession, custody, or control, and can be located following a reasonable search.

13

14 **REQUEST FOR PRODUCTION NO. 141:**

15 Documents discussing, analyzing, or evaluating any of the privacy rights asserted in this
16 lawsuit.

17

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 141:**

19 Google incorporates its General Objections as if set forth fully herein. Google objects to
20 this request to the extent it is duplicative of Request for Production No. 17, and incorporates its
21 objections and response to that request. Google further objects to this request as vague and
22 ambiguous as to the meaning of the phrase “privacy rights asserted in this lawsuit,” which is neither
23 self-evident nor defined. Google further objects to this request because it appears to be designed
24 to seek information protected from discovery by the attorney-client privilege, work-product
25 doctrine, the common-interest privilege, or any other privilege or immunity. Thus, the request is
26 not proportional to the needs of the case, and the burden of the proposed discovery outweighs any
27 likely benefit. For these reasons, Google will not produce documents in response to this request.

28

1 **REQUEST FOR PRODUCTION NO. 142:**

2 Documents concerning any aggregation of data collected in connection with users' activity
3 while in a private browsing mode.

4
5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 142:**

6 Google incorporates its General Objections as if set forth fully herein. Google further
7 objects to this request as vague and ambiguous as to the meaning of the phrase "any aggregation
8 of data," which is neither self-evident nor defined. Google does not maintain documents or data in
9 the ordinary course of business to identify whether a user is in private browsing mode. Google
10 further objects to this request as overbroad because it seeks information regarding any "private
11 browsing mode" for any browser, even those which no Plaintiff has alleged he or she used to
12 browse privately. Google further objects to this request as overly broad and unduly burdensome to
13 the extent the request seeks user-level data for all Google consumers with no meaningful
14 limitation. For these reasons, the request is not proportional to the needs of the case, and the burden
15 of the proposed discovery outweighs any likely benefit.

16 Subject to and without waiving the foregoing objections, Google responds as follows:
17 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs seek
18 and to appropriately narrow the scope of this request.

19
20 **REQUEST FOR PRODUCTION NO. 143:**

21 Documents sufficient to show the location of Google servers involved in the alleged
22 conduct, including servers located in California that received data in connection with users'
23 activity while in a private browsing mode.

24
25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 143:**

26 Google incorporates its General Objections as if set forth fully herein. Google further
27 objects to the phrase "location of Google servers involved in the alleged conduct" as overly broad
28 and unduly burdensome because it may encompass Google servers that are not relevant to the

1 central allegations in the case—namely, the purportedly unauthorized collection of certain
2 browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were visiting
3 certain websites in private browsing mode while signed out of their Google Account from June 1,
4 2016 to the present. Google further objects to this request as vague and ambiguous as to the
5 meaning of the phrase “data in connection with users’ activity while in a private browsing mode,”
6 which is neither self-evidence nor defined. For example, Plaintiffs do not clarify what kind of
7 “data” this request concerns. Google further objects to this request as overbroad because it seeks
8 information regarding any “private browsing mode” for any browser, even those which no Plaintiff
9 has alleged he or she used to browse privately. Google further objects to this request to the extent
10 it seeks information protected from discovery by the attorney-client privilege, work-product
11 doctrine, the common-interest privilege, or any other privilege or immunity. In addition, the
12 information can be found in various publicly available sources, including on the Google Cloud and
13 Google Analytics Help pages. For these reasons, the request is not proportional to the needs of the
14 case, and the burden of the proposed discovery outweighs any likely benefit.

15 Subject to and without waiving the foregoing objections, Google responds as follows:
16 Google will produce non-privileged, non-work product, responsive documents to show the
17 location of data centers for Google Analytics and Google Ad Manager, from June 1, 2016 to the
18 present, to the extent that such documents exist, are within Google’s possession, custody, or
19 control, and can be located following a reasonable search.

20
21 **REQUEST FOR PRODUCTION NO. 144:**

22 Documents sufficient to show the location of Google use of data in connection with users’
23 activity while in a private browsing mode, including by Google employees located in California.

24
25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 144:**

26 Google incorporates its General Objections as if set forth fully herein. Google further
27 objects to this request as vague and ambiguous as to the meaning of the phrases “the location of
28 Google use of data” and “in connection with users’ activity while in a private browsing mode,”

1 which are neither self-evident nor defined. For the purposes of responding to this request, Google
2 assumes that “location of Google use of data” refers to the locations of Google’s data centers in
3 which Google processes data collected through Google Analytics and Google Ad Manager. Google
4 further objects to this request as overbroad because it seeks information regarding any “private
5 browsing mode” for any browser, even those which no Plaintiff has alleged he or she used to
6 browse privately. For these reasons, the request is not proportional to the needs of the case, and
7 the burden of the proposed discovery outweighs any likely benefit.

8 Subject to and without waiving the foregoing objections, Google responds as follows:
9 Google will produce non-privileged, non-work product, responsive documents to show the
10 location of data centers for Google Analytics and Google Ad Manager, from June 1, 2016 to the
11 present, to the extent that such documents exist, are within Google’s possession, custody, or
12 control, and can be located following a reasonable search.

13
14 **REQUEST FOR PRODUCTION NO. 145:**

15 Documents concerning any private browsing mode, including Incognito mode.
16

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 145:**

18 Google incorporates its General Objections as if set forth fully herein. Google further
19 objects to this request as overbroad to the extent it seeks information regarding “any private
20 browsing mode” for any browser, even those which no Plaintiff has alleged he or she used to
21 browse privately, and those owned by third parties that Google does not control. Google further
22 objects to this request as overly broad and unduly burdensome because the request is not limited
23 in scope. Private browsing modes have many different aspects that have nothing to do with the
24 central allegations in this case—namely, the purportedly unauthorized collection of certain
25 browsing activity data by Google Analytics and Google Ad Manager while Plaintiffs were visiting
26 certain websites in private browsing mode while signed out of their Google Account from June 1,
27 2016 to the present. Google further objects to this request to the extent it seeks information
28 protected from discovery by the attorney-client privilege, work-product doctrine, the common-

1 interest privilege, or any other privilege or immunity. Thus, the request is not proportional to the
2 needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these
3 reasons, Google will not produce documents in response to this request.

4
5 **REQUEST FOR PRODUCTION NO. 146:**

6 Documents concerning the articles cited in the First Amended Complaint, such as the
7 August 15, 2018 article by Douglas Schmidt titled *Google Data Collection* and the November 1,
8 2018 article by Lily Hay Newman titled *The Privacy Battle to Save Google from Itself*.

9
10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 146:**

11 Google incorporates its General Objections as if set forth fully herein. Google further
12 objects to this request because Plaintiffs fail to properly identify what documents, if any, they are
13 seeking that are beyond the public-available articles that Plaintiffs identify in this request. Simply
14 saying that they seek documents “concerning” the articles, especially in light of the objectionably
15 broad definition Plaintiffs have put forth, is insufficient to identify the documents with
16 particularity. Google further objects to this request to the extent it is designed to seek information
17 protected from discovery by the attorney-client privilege, work-product doctrine, the common-
18 interest privilege, or any other privilege or immunity. For these reasons, the request is not
19 proportional to the needs of the case, and the burden of the proposed discovery outweighs any
20 likely benefit.

21 Subject to and without waiving the foregoing objections, Google responds as follows:
22 Google is willing to meet and confer with Plaintiffs on the relevance of the information sought and
23 to appropriately narrow the scope of this request.

24
25 **REQUEST FOR PRODUCTION NO. 147:**

26 Documents sufficient to show the architecture pertaining to Google sign-in, including how
27 that impacts Google’s data collection in connection with users’ activity while in a private browsing
28 mode.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 147:**

2 Google incorporates its General Objections as if set forth fully herein. Google further
 3 objects to the phrases “architecture pertaining to Google sign-in” and “data Google collected while
 4 users were in private browsing mode” as vague, ambiguous, and overly broad and unduly
 5 burdensome because Plaintiffs do not clarify what type of “architecture” or “data collection” this
 6 request concerns. Google further objects to this request as overbroad because it seeks information
 7 regarding any “private browsing mode” for any browser, even those which no Plaintiff has alleged
 8 he or she used to browse privately. For these reasons, the request is not proportional to the needs
 9 of the case, and the burden of the proposed discovery outweighs any likely benefit.

10 Subject to and without waiving the foregoing objections, Google responds as follows:
 11 Google is willing to meet and confer with Plaintiffs to understand what information Plaintiffs seek
 12 and to appropriately narrow the scope of this request.

13
 14 **REQUEST FOR PRODUCTION NO. 148:**

15 Documents sufficient to identify all instances where Google shared any data collected in
 16 connection with any users’ activity while in a private browsing mode, such as in response to any
 17 law enforcement or other request.

18
 19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 148:**

20 Google incorporates its General Objections as if set forth fully herein. Google further
 21 objects to this request as vague and ambiguous as to the meaning of the phrase “Google shared
 22 any data collected in connection with any users’ activity while in a private browsing mode,” which
 23 is neither self-evident nor defined. Google does not maintain documents or data in the ordinary
 24 course of business to identify whether a user is in private browsing mode. As such, Google does
 25 not maintain documents or data in the ordinary course of business to identify instances where
 26 Google shared any data collected in connection with any users’ activity while in private browsing
 27 mode. Google further objects to this request because Google’s sharing of data in response to a law
 28 enforcement request is not relevant to Plaintiffs’ central allegation that Google collects data while

1 users are using private browsing mode. Google further objects to this request as overbroad because
 2 it seeks information regarding any “private browsing mode” for any browser, even those which no
 3 Plaintiff has alleged he or she used to browse privately. Thus, the request is not proportional to the
 4 needs of the case, and the burden of the proposed discovery outweighs any likely benefit. For these
 5 reasons, Google will not produce documents in response to this request.

6
 7 **REQUEST FOR PRODUCTION NO. 149:**

8 To the extent Google’s response to any request for admissions served by Plaintiffs in this
 9 action is anything other than an unqualified admission, documents concerning that matter at issue
 10 with each such request for admission.

11
 12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 149:**

13 Google incorporates its General Objections as if set forth fully herein. Google further
 14 objects to the phrase “that matter at issue with each such request for admission,” which is neither
 15 self-evidence nor defined. Google further objects to this request to the extent it is designed to seek
 16 information protected from discovery by the attorney-client privilege, work-product doctrine, the
 17 common-interest privilege, or any other privilege or immunity. Thus, the request is not
 18 proportional to the needs of the case, and the burden of the proposed discovery outweighs any
 19 likely benefit.

20 Subject to and without waiving the foregoing objections, Google responds as follows:
 21 Google will produce non-privileged, non-work product, responsive documents that support
 22 Google’s denial or partial denial of any Request for Admission, to the extent that such documents
 23 exist, are within Google’s possession, custody, or control, and can be located following a
 24 reasonable search.

25 DATED: December 2, 2020

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PROOF OF SERVICE

WASHINGTON, D.C.

At the time of service, I was over 18 years of age and not a party to this action. I am employed in Washington, D.C. My business address is 1300 I. Street, N.W., Suite 900, Washington, D.C. 20005.

On December 2, 2020, I served true copies of the following document(s) described as **RESPONSES AND OBJECTIONS TO PLAINTIFFS' SECOND SET OF REQUESTS FOR PRODUCTION (NOS. 20-149)** on the interested parties in this action as follows:

SEE ATTACHED LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I transmitted PDF format copies of the document(s) described above to the e-mail addresses on the attached Service List pursuant to the agreement between the parties to serve discovery, in lieu of other service methods, by email under Fed. R. Civ. P. 5(b)(2)(E) (*see* Joint Case Management Statement VIII(E), Docket No. 59). The documents were transmitted by electronic transmission and such transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 2, 2020 at Washington, D.C.

/s/ Tracy Xi Gao
Tracy Xi Gao

SERVICE LIST

Brown v. Google LLC

Case No. 5:20-cv-03664-LHK-SVK

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